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(Court recessed)

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PROCEEDINGS

(Thereupon, the following was heard in open court at 10:32 a.m.):

(Jury not present.)

THE CLERK: Criminal Case Number 1:16-cr-169, United States of America versus Raushi J. Conrad.

Will counsel please identify themselves for the record.

MR. BURKE: Good morning, Your Honor. Matthew Burke and Jamal Walker on behalf of the United States. And with us at counsel's table, Kevin Luebke of the FBI, and Keeley Sandvig, our paralegal, from the United States Attorney's Office.

THE COURT: Good morning.

MR. SIMMS: Good morning, Your Honor. Jonathan Simms on behalf of Mr. Conrad, who is present in court.

THE COURT: Good morning, Mr. Conrad.

Good morning, Mr. Simms.

Are you all ready to proceed?

MR. BURKE: Yes, Your Honor.

MR. SIMMS: Yes.

THE COURT: Mr. Hendrick, you'll need to

1 bring the podium over here for them.

2 MR. HENDRICK: Yes, sir.

3 THE COURT: And Ms. Allen will keep time for  
4 you all, Counsel. And she'll give you cues of how much  
5 time you have remaining.

6 All right. You can bring our jury out,  
7 Mr. Hendrick.

8 MR. HENDRICK: Yes, sir.

9 THE COURT: Are we ready to proceed with the  
10 jury?

11 MR. BURKE: Yes, sir.

12 MR. SIMMS: Yes.

13 THE COURT: All right.

14 Okay. You can bring the jury out. Thank  
15 you.

16 (Jury present.)

17 THE COURT: You may be seated.

18 Good morning, ladies and gentlemen.

19 THE JURORS: Good morning.

20 THE COURT: Good morning, Mr. Conrad.

21 Good morning, Counsel.

22 MR. BURKE: Good morning.

23 MR. SIMMS: Good morning.

24 THE COURT: All right.

25

1 JURY INSTRUCTIONS BY THE COURT

2 THE COURT: Ladies and gentlemen, as I told  
3 you at the outset of the trial, Mr. Conrad is facing two  
4 charges, conspiracy to commit bribery and acceptance of  
5 bribery by a public official. I'm now going to give you  
6 the instructions of law which will govern your  
7 deliberations.

8 I'm going to read the instructions to you,  
9 and you will be provided with a written copy of the  
10 instructions along with all the exhibits that have been  
11 admitted into evidence for your consideration.

12 Members of the jury, now that you've heard  
13 all the evidence that is to be received in this trial,  
14 and soon you will hear the arguments of counsel, it  
15 becomes my duty to give you the final instructions of  
16 the Court as to the law that's applicable to this case.

17 You should use these instructions to guide  
18 you in your decisions.

19 All the instructions of law given to you by  
20 the judge -- those given to you at the beginning of the  
21 trial, those given to you during the trial, and these  
22 final instructions -- must guide and govern your  
23 deliberations.

24 It is your duty as jurors to follow the law  
25 as stated in all of the instructions of the Court, And

1 to apply these rules of law to the facts as you find  
2 them to be from the evidence received during the trial.

3 The lawyers may refer to some of the  
4 applicable rules of law in their closing arguments to  
5 you. If, however, any difference appears to you between  
6 the law as stated by the lawyers and that as stated by  
7 the judge in these instructions, you, of course, are to  
8 be governed by the instructions given to you by the  
9 judge.

10 You are not to single out any one  
11 instruction alone as stating the law, but must consider  
12 the instructions as a whole in reaching your decisions.

13 Neither are you to be concerned with the  
14 wisdom of any rule of law stated by the judge.  
15 Regardless of any opinion you may have as to what the  
16 law ought to be, it would be a violation of your sworn  
17 duty to base any part of your verdict upon any other  
18 view or opinion of the law than that given in these  
19 instructions of the judge, just as it would be a  
20 violation of your sworn duty as the judges of the facts  
21 to base your verdict upon anything but the evidence  
22 received in this case.

23 You were chosen as jurors -- you were chosen  
24 as jurors for this trial in order to evaluate all the  
25 evidence received and to decide each of the factual

1 questions presented by the allegations brought by the  
2 government in the indictment and the plea of not guilty  
3 by the defendant.

4 In resolving the issues presented for you  
5 for decision in this trial, you must not be persuaded by  
6 bias, prejudice or sympathy for or against any of the  
7 parties to the case, or by any public opinion.

8 Justice through trial by jury depends upon  
9 the willingness of each individual juror to seek the  
10 truth from the same evidence presented to all the jurors  
11 here in the courtroom, and to arrive at a verdict by  
12 applying the same rules of law as are now being given to  
13 each of you in these instructions of the Court.

14 I instruct you that you must presume the  
15 defendant, Mr. Raushi Conrad, to be innocent of the  
16 crimes charged. Thus, Mr. Conrad, although accused of  
17 the crimes in the indictment, begins the trial with a  
18 clean slate, with no evidence against him.

19 The indictment, as you know already, is not  
20 evidence of any kind.

21 The law permits nothing but legal evidence  
22 presented before the jury in court to be considered in  
23 support of any charge against the defendant. The  
24 presumption of innocence alone is therefore sufficient  
25 to acquit the defendant.

1           The burden is always upon the prosecution,  
2   the government, to prove beyond a reasonable doubt.  
3   This burden never shifts to a defendant, for the law  
4   never imposes upon a defendant in a criminal case the  
5   burden or duty of calling any witnesses or producing any  
6   evidence.

7           The defendant, Mr. Conrad, is not even  
8   obligated to produce any evidence by cross-examining the  
9   witnesses for the government.

10          It is not required that the government prove  
11   guilt beyond all possible doubt. The test is one of  
12   reasonable doubt. The question, then, is: What is a  
13   reasonable doubt?

14          The words almost define themselves. It is a  
15   doubt based upon reason and common sense. It is a doubt  
16   that a reasonable person has after carefully weighing  
17   all of the evidence. It is a doubt that would cause a  
18   reasonable person to hesitate to act in a matter of  
19   importance in his or her own personal life.

20          Proof beyond a reasonable doubt must,  
21   therefore, be proof of such a convincing character that  
22   a reasonable person would not hesitate to rely and act  
23   upon it in making an important decision.

24          A reasonable doubt is not a caprice or a  
25   whim. It is not speculation or suspicion. It is not



1     excuse to avoid the performance of an unpleasant duty.

2             The jury will remember that the defendant is  
3     never to be convicted on mere suspicion or conjecture.  
4     Unless the government proves beyond a reasonable doubt  
5     that the defendant has committed each and every element  
6     of the offenses charged in the indictment, you must find  
7     the defendant not guilty of the offenses.

8             An indictment is but a formal method used by  
9     the government to accuse a defendant of crimes. It is  
10    not evidence of any kind against the defendant. The  
11    defendant is presumed to be innocent of the crimes  
12    charged.

13            Even though this indictment has been  
14    returned against the defendant, the defendant begins  
15    this trial with absolutely no evidence against him.

16            The defendant, Mr. Raushi Conrad, has  
17    pleaded not guilty to this indictment, and therefore  
18    denies that he is guilty of the charges.

19            The indictment charges that the offenses  
20    were committed on or about certain dates. Although it  
21    is necessary for the government to prove beyond a  
22    reasonable doubt that the offenses were committed on a  
23    date reasonably near the dates alleged in the  
24    indictment, it is not necessary for the government to  
25    prove that the offenses were committed precisely on the

1     dates charged.

2                 The defendant, Mr. Conrad, is not on trial  
3     for any act or any conduct not specifically charged in  
4     the indictment.

5                 A separate crime is charged in each count of  
6     the indictment. Each charge and the evidence pertaining  
7     to it should be considered separately by the jury. The  
8     fact that you may find the defendant guilty or not  
9     guilty as to one of the counts should not control your  
10    verdict as to any other count.

11                Count I of the indictment charges the  
12    defendant, Mr. Raushi Conrad, with conspiracy to pay and  
13    receive bribes. That is, Count I of the indictment  
14    charges that: Beginning no later than May 2010 and  
15    continuing through October 2011, in the Eastern District  
16    of Virginia and elsewhere, that the defendant,  
17    Mr. Raushi J. Conrad, along with James Bedford and  
18    Individual A, did knowingly conspire and agree with each  
19    other, and others known and unknown, to commit certain  
20    offenses against the United States, namely, to directly  
21    and indirectly corruptly give things of value to, and  
22    corruptly receive things of value by, a public official  
23    in return for being influenced in the performance of any  
24    official act.

25                The defendant has entered a plea of not

1 guilty and has denied that he is guilty of the offense  
2 charged in Count I of the indictment.

3 Section 371 of Title 18 United States Code  
4 provides, it is a crime, quote: "If two or more persons  
5 conspire to commit any offense against the United  
6 States, and one or more such persons do any act to  
7 effect the object of the conspiracy," close quote.

8 In order to sustain its burden of proof for  
9 the crime of conspiracy to pay and receive bribes as  
10 charged in Count I of the indictment, the government  
11 must prove the following four essential elements beyond  
12 a reasonable doubt.

13 One: The conspiracy, agreement, or  
14 understanding to pay and receive bribes as described in  
15 the indictment was formed, reached, and entered -- or  
16 entered into by two or more persons.

17 Element two: At some time during the  
18 existence or life of the conspiracy, agreement or  
19 understanding, the defendant knew the purpose of the  
20 agreement.

21 And element three: With knowledge of the  
22 purpose of the conspiracy, agreement or understanding,  
23 the defendant then deliberately joined the conspiracy,  
24 agreement or understanding.

25 And element four: At some time during the

1 existence or life of the conspiracy, agreement or  
2 understanding, one of its alleged members knowingly  
3 performed one of the overt acts charged in the  
4 indictment, and did so in order to further or advance  
5 the purpose of the agreement.

6 A criminal conspiracy is an agreement or  
7 mutual understanding, knowingly made or knowingly  
8 entered into by at least two people, to violate the law  
9 by some joint or common plan or course of action. A  
10 conspiracy is, in a very true sense, a partnership in  
11 crime.

12 A conspiracy or agreement to violate the  
13 law, like any other kind of agreement or understanding,  
14 need not be formal, written, or even expressed directly  
15 in every detail.

16 The government must prove that the defendant  
17 and at least one other person knowingly and deliberately  
18 arrived at an agreement or understanding that they, and  
19 perhaps others, would violate some law by means of some  
20 common plan or course of action as alleged in Count I of  
21 the indictment.

22 It is proof of this conscious understanding  
23 and deliberate agreement by the alleged members that  
24 should be central to your consideration of the charge of  
25 conspiracy.

1           To prove the existence of a conspiracy or  
2 illegal agreement, the government is not required to  
3 produce a written contract between the parties, or even  
4 produce evidence of an express oral agreement spelling  
5 out all the details of the understanding.

6           To prove that a conspiracy existed,  
7 moreover, the government is not required to show that  
8 all the people named in the indictment as members of the  
9 conspiracy were, in fact, parties to the agreement, or  
10 that all of the members of the conspiracy -- alleged  
11 conspiracy were named or charged, or that all the people  
12 whom the evidence shows were actually members of a  
13 conspiracy agreed to all of the means or methods set out  
14 in the indictment.

15           Unless the government proves beyond a  
16 reasonable doubt that a conspiracy, as just explained,  
17 actually existed, then you must acquit the defendant of  
18 the charge contained in Count I of the indictment.

19           Before the jury may find that the defendant  
20 or any other person became a member of a conspiracy as  
21 charged in Count I of the indictment, the evidence in  
22 the case must show beyond a reasonable doubt that the  
23 defendant knew the purpose or goal of the agreement or  
24 understanding, and then deliberately entered into the  
25 agreement, intending in some way to accomplish the goal

1 or purpose by this common plan or joint action.

2 If the evidence establishes beyond a  
3 reasonable doubt that the defendant knowingly and  
4 deliberately entered into an agreement to pay and  
5 receive bribes, the fact that the defendant did not join  
6 the agreement at the beginning, or did not know all the  
7 details of the agreement, or did not participate in each  
8 act of the agreement, or did not play a major role in  
9 accomplishing the unlawful goal, is not important to  
10 your decision regarding membership in a conspiracy.

11 Merely associating with others and  
12 discussing common plans, mere similarity of conduct  
13 between or among such persons, merely being present at  
14 the place where a crime takes place or is discussed, or  
15 even knowing about the criminal conduct, does not, of  
16 itself, make someone a member of a conspiracy or a  
17 conspirator.

18 Count I of the indictment charges the  
19 defendant with a violation of federal law concerning  
20 conspiracy to pay and receive bribes. The indictment  
21 alleges a number of separate means or methods by which  
22 the defendant is accused of violating this law.

23 The government is not required to prove all  
24 the means or methods alleged in Count I of the  
25 indictment. Each juror must agree with each of the

1 other jurors, however, that the same means or methods  
2 alleged in Count I of the indictment were, in fact,  
3 engaged in or employed by the defendant in committing  
4 the crimes charged in Count I of the indictment.

5 The jury need not unanimously agree on each  
6 means or method, but in order to convict, the jury must  
7 unanimously agree upon at least one such means or method  
8 as one engaged in by the defendant.

9 Unless the government has proven the same  
10 means or method of each of you -- to each of you beyond  
11 a reasonable doubt, you must acquit the defendant of the  
12 crime charged in Count I of the indictment.

13 Count I of the indictment charges that the  
14 defendant knowingly entered into a conspiracy to pay and  
15 receive bribes. In order to sustain its burden of proof  
16 for this charge, the government must prove -- must show  
17 that the single overall conspiracy alleged in Count I of  
18 the indictment existed. Proof of separate or  
19 independent conspiracies is not sufficient.

20 In determining whether or not any single  
21 conspiracy has been shown by the evidence in this case,  
22 you must decide whether common, master, overall goals or  
23 objectives existed, which served as the focal point for  
24 the efforts and actions of any members of the agreement.

25 In arriving at this decision, you may

1 consider the length of time the alleged conspiracy  
2 existed, the mutual dependence or assistance between the  
3 various persons alleged to have been its members, and  
4 the complexity of the goals and objectives shown.

5 A single conspiracy may involve various  
6 people at different levels, may involve numerous  
7 transactions which are conducted over some period of  
8 time at various places.

9 In order to establish a single conspiracy,  
10 however, the government need not prove that the alleged  
11 coconspirators knew each other alleged members of the  
12 conspiracy, nor need to establish that the alleged  
13 conspirator was aware of each of the transactions  
14 alleged in the indictment.

15 Even if the evidence in the case shows the  
16 defendant was a member of some conspiracy, but that this  
17 conspiracy is not the single conspiracy charged in the  
18 indictment, you must acquit the defendant of this  
19 charge.

20 Unless the government proves the existence  
21 of the single overall conspiracy described in the  
22 indictment beyond a reasonable doubt, you must acquit  
23 the defendant of this charge.

24 In order to sustain its burden of proof in  
25 Count I of the indictment, the government must prove



1 beyond a reasonable doubt that one of the members of the  
2 alleged conspiracy or agreement knowingly performed at  
3 least one overt act, and that this overt act was  
4 performed during the existence or life of the  
5 conspiracy, and was done to somehow further the goals of  
6 the conspiracy or agreement.

7           The term "overt act" means some type of  
8 outward objective action, performed by one of the  
9 parties, to or one of the members of the agreement or  
10 conspiracy which evidences that agreement.

11           Although you must unanimously agree that the  
12 same overt act was committed, the government is not  
13 required to prove more than one of the overt acts  
14 charged. The overt act may, but for the alleged illegal  
15 agreement, appear totally innocent and legal.

16           Evidence received in this case that certain  
17 persons who are alleged in Count I of the indictment to  
18 be coconspirators of the defendant have done or said  
19 things during the existence or life of the alleged  
20 conspiracy in order to further or advance its goal.

21           Such acts and statements of these and other  
22 individuals may be considered by you in determining  
23 whether or not the government has proven the charges in  
24 Count I of the indictment against the defendant.

25           Since these acts may have been performed and

1 these statements may have been made outside the presence  
2 of the defendant, and even done or said without the  
3 defendant's knowledge, these acts or statements should  
4 be examined with particular care by you before  
5 considering them against the defendant who did not do  
6 the particular act or make the particular statement.

7           The term "knowingly" as used in these  
8 instructions to describe the alleged state of mind of  
9 the defendant means that he was conscious and aware of  
10 his act or omission, realized what he was doing or what  
11 was happening around him, and did not act because of  
12 ignorance, mistake or accident.

13           The intent of a person, or the knowledge  
14 that a person possesses any given time, may not  
15 ordinarily be proven by -- directly, because there is no  
16 way of directly scrutinizing the workings of the human  
17 mind.

18           In determining the issue of what a person  
19 knew or what a person intended at a particular time, you  
20 may consider any statements made or acts done by that  
21 person, and all other facts and circumstances received  
22 in evidence which may aid in your determination of that  
23 person's knowledge or intent.

24           You may infer, but you are certainly not  
25 required to infer, that a person intends the natural and

1 probable consequences of acts knowingly done or  
2 knowingly omitted. It is entirely up to you, however,  
3 to decide what facts to find from the evidence received  
4 during this trial.

5 The government is not required to prove that  
6 the parties to or members of the alleged agreement were  
7 successful in achieving any or all of the objects of the  
8 agreement or conspiracy.

9 Now some of the people who may have been  
10 involved in these events are not on trial. This does  
11 not matter. There is no requirement that all the  
12 members of a conspiracy be charged and prosecuted or  
13 tried together in one proceeding.

14 Nor is there any requirement that the names  
15 of the other conspirators be known. An indictment can  
16 charge a defendant with a conspiracy involving people  
17 whose names are not known, as long as the government can  
18 prove that the defendant conspired with one or more of  
19 them. Whether they are named or not does not matter.

20 Count II of the indictment charges the  
21 defendant with acceptance of bribes by a public  
22 official. That is, Count II of the indictment charges  
23 that: Beginning in or about May 2010 and continuing  
24 through in or about October 2011, in the Eastern  
25 District of Virginia and elsewhere, that the defendant,

1 Mr. Raushi J. Conrad, being a public official, did  
2 directly and indirectly, knowingly and corruptly,  
3 demand, seek, receive, accept and agree to receive and  
4 accept things of value in return for promising to  
5 perform, and performing of official acts.

6 The defendant, Mr. Raushi J. Conrad, has  
7 entered a plea of not guilty and has denied that he is  
8 guilty of the crime charged in Count II of the  
9 indictment.

10 Section 201(b)(2)(A) of Title 18 of the  
11 United States Code provides, in part, quote: "Whoever,  
12 being a public official, directly or indirectly  
13 corruptly demands, seeks, receives, accepts, or agrees  
14 to receive or accept, anything of value, personally or  
15 for any other person or entity, in return for being  
16 influenced in the performance of an official act," close  
17 quote, shall be guilty of an offense against the United  
18 States.

19 In order to sustain its burden of proof for  
20 the crime of receiving a bribe by a public official, as  
21 charged in Count II of the indictment, the government  
22 must prove the following three essential elements beyond  
23 a reasonable doubt.

24 Element one, that the defendant demanded,  
25 sought, received, accepted, or agreed to receive and

1 accept, something of value as described in the  
2 indictment.

3 Two, the defendant was at that time a public  
4 official of the United States, or was acting on behalf  
5 of the United States.

6 And element three, the defendant demanded,  
7 sought, received, accepted, or agree to receive and  
8 accept, the item of value corruptly in return for being  
9 influenced in the performance of any official act.

10 The term "public official" means member of  
11 Congress, or an officer or employee or person acting for  
12 or on behalf of the United States, or any department,  
13 agency or branch of government thereof, in any official  
14 function under or by authority of any such department,  
15 agency or branch of government.

16 The term "public official" includes any  
17 employee of the United States Government, as well as any  
18 person who is performing work for or acting on behalf of  
19 the United States Government.

20 The term of "official act" means any  
21 decision or action on any question, matter, cause, suit,  
22 proceeding or controversy which may at any time be  
23 pending, or which may by law be brought before any  
24 public official, in such official's official capacity or  
25 in such official's place of trust or profit.

1           The term "official act" includes decisions  
2 or actions generally expected of a public official.  
3 These decisions or actions do not need to be  
4 specifically described in any law, rule or job  
5 description to be considered an official act.

6           The definition of "official act" has two  
7 parts to it. First, the question, matter, cause, suit,  
8 proceeding or controversy must be specific and focused,  
9 and involve a formal exercise of governmental power.

10           Second, the public official must make or  
11 agree to make a decision or take or agree to take an  
12 action on that question, matter, cause, suit, proceeding  
13 or controversy. A decision or action or any qualifying  
14 step for a question, matter, cause, suit, proceeding or  
15 controversy would qualify as an official act.

16           An official act also includes a public  
17 official exerting pressure on another official to  
18 perform an official act, or providing advice to another  
19 official, knowing or intending that such advice will  
20 form the basis for an official act by another official.

21           Setting up a meeting, hosting event, talking  
22 to another official, without more, does not qualify as a  
23 decision or action on the question, matter, cause, suit,  
24 proceeding or controversy.

25           Simply expressing support at a meeting,

1 event, or call, or sending a subordinate to such a  
2 meeting, event or call, similarly does not qualify as a  
3 decision or action on a question, matter, suit, cause,  
4 proceeding or controversy, as long as the official does  
5 not intend to exert pressure on another official or  
6 provide advice, knowing or intending such advice to form  
7 the basis for an official act.

8               You may, however, consider evidence that a  
9 public official set up a meeting, hosted an event,  
10 talked to another official, expressed support, or sent a  
11 subordinate, as evidence of an agreement to take an  
12 official act.

13               You may consider all of the evidence in the  
14 case, including the nature of the transaction, in  
15 determining whether the conduct involved an official  
16 act.

17               In order to satisfy the elements of bribery,  
18 however, the public official need not actually perform  
19 an official act, or even intend to do so. When the  
20 defendant is a public official charged with receiving a  
21 bribe, it is sufficient if the public official agrees to  
22 perform an official act in exchange for a thing of  
23 value.

24               This agreement need not be explicit, and the  
25 public official need not specify the means that he will

1 use to inform his end of the bargain.

2           You may, for example, conclude that an  
3 agreement was reached if the evidence shows that the  
4 public official received a thing of value, knowing that  
5 it was given with the expectation that the official  
6 would perform an official act in return.

7           The government need not show the defendant  
8 intended for payments to be tied to specific official  
9 acts. Bribery requires the intent to effect an exchange  
10 of money or other thing of value for a specific official  
11 action.

12           But each payment need not be correlated with  
13 a specific official act. Rather, it is sufficient to  
14 show that the accident intended for each payment to  
15 induce him to take a specific course of action. In  
16 other words, the intended exchange in bribery can be  
17 this for these, or these for these, not just this for  
18 that.

19           Further, it is not necessary for the  
20 government to prove that the defendant intended to  
21 perform a set of official acts in return for payments.  
22 The requirement that there be a payment of a thing of  
23 value in return for the performance of an official act  
24 is satisfied so long as the evidence shows a course of  
25 conduct of things of value flowing to a public official



1 in exchange for a pattern of official actions favorable  
2 to the donor.

3 Thus, all that must be shown is that  
4 payments were accepted by the public official with the  
5 understanding that they were intended to secure a  
6 specific type of official action in return.

7 For example, payments may be accepted with  
8 the understanding that they were intended to retain the  
9 official's services on an as-needed basis, so that  
10 whenever the opportunity presents itself, the public  
11 official would take official actions on behalf of the  
12 payor's behalf.

13 An act is done corruptly under this bribery  
14 statute if it is performed voluntarily and deliberately,  
15 and performed with the purpose of either accomplishing  
16 an unlawful end or an unlawful result of accomplishing  
17 some otherwise lawful end or lawful result by any  
18 means -- by any unlawful means or methods.

19 The motive to act corruptly is ordinarily a  
20 hope or expectation of either financial gain or other  
21 benefit to one's self, or some aid or profit to another.

22 The phrase "anything of value" means any  
23 item, whether tangible or intangible, that the person  
24 giving or offering the person demanding or receiving  
25 considers to be worth something.

1           The phrase "anything of value" includes a  
2 sum of money, favorable treatment, a job or special  
3 consideration.

4           It is not a defense to the crime of bribery,  
5 as charged in Count II of the indictment, that the  
6 receipt of anything of value was made to the public  
7 official to influence an official act which is actually  
8 lawful, desirable or even beneficial to the public.

9           It is not an defense to the crime of  
10 bribery, as charged in Count II of the indictment, that  
11 the public official did not have the authority, power or  
12 ability to perform the act for which the thing of value  
13 was demanded or sought.

14           Count II of the indictment charges the  
15 defendant with a violation of federal law concerning the  
16 acceptance of bribes by a public official. The  
17 indictment alleges a number of specific -- of separate  
18 means or methods by which the defendant is accused of  
19 violating the law. The government is not required to  
20 prove all the means or methods alleged in Count II of  
21 the indictment.

22           Each juror must agree with each of the other  
23 jurors, however, that the same means or methods alleged  
24 in Count II of the indictment were, in fact, engaged in  
25 or employed by the defendant in committing the crimes

1 charged in Count II of the indictment.

2 The jury need not unanimously agree on each  
3 means or method, but in order to convict must  
4 unanimously agree upon at least one of such means or  
5 method as engaged in by the defendant.

6 Unless the government has proven the same  
7 means or method to each of you beyond a reasonable  
8 doubt, you must acquit the defendant of the crime  
9 charged in Count II of the indictment.

10 In order to sustain its burden of proof on  
11 Counts I and II of the indictment, it is not necessary  
12 for the government to prove that the defendant  
13 personally did every act constituting the offense  
14 charged.

15 As a general rule, whatever a person is  
16 legally capable of doing himself, he can do through  
17 another acting as his agent. So if the acts or conduct  
18 of another is deliberately ordered or directed by the  
19 defendant, or deliberately authorized or consented to by  
20 the defendant, then the law holds the defendant  
21 responsible for such acts or conduct, just the same as  
22 if personally done by him.

23 The evidence in this case consists of the  
24 sworn testimony of the witnesses, regardless of who may  
25 have called them, all the exhibits received in evidence,

1 regardless of who may have produced them, all the facts  
2 that may have been agreed to or stipulated.

3 When the attorneys on both sides stipulate  
4 or agree as to the existence of a fact, you may accept  
5 the stipulation as evidence and regard that fact as  
6 proved. You are not required to do so, however, since  
7 you are the sole judges of the facts.

8 Any proposed testimony or proposed exhibit  
9 to which an objection was sustained by the judge, and  
10 any testimony or statement ordered stricken by the  
11 judge, must be entirely disregarded by you.

12 Anything you may have seen or heard outside  
13 the courtroom is not evidence and must be disregarded.

14 Questions, objections, statements and  
15 arguments of counsel are not evidence in the case,  
16 unless made as an admission or stipulation of fact.

17 You are to base your verdict only on the  
18 evidence received in the case.

19 In your consideration of the evidence  
20 received, however, you are not limited to the bald  
21 statements of the witnesses or the bald assertions in  
22 the exhibits.

23 In other words, you're not limited solely to  
24 what you see and hear as the witnesses testify or as the  
25 exhibits are admitted. You are permitted to draw from

1 the facts which you find have been proved such  
2 reasonable inferences as you feel are justified in light  
3 of your experience and common sense.

4           There are two types of evidence which are  
5 generally presented during a trial: direct evidence and  
6 circumstantial evidence.

7           Direct evidence is the testimony of a person  
8 who asserts or claims to have actual knowledge of a  
9 fact, such as an eyewitness.

10           Circumstantial evidence is proof of a chain  
11 of facts and circumstances indicating the existence of a  
12 fact.

13           The law makes no distinction between the  
14 weight or value to be given to either direct or  
15 circumstantial evidence; nor is a greater degree of  
16 certainty required of circumstantial evidence than  
17 direct evidence. You should weigh all the evidence in  
18 the case.

19           Inferences are simply deductions or  
20 conclusions which reason and common sense lead the jury  
21 to draw from the evidence received in the case.

22           Testimony and exhibits can be admitted into  
23 evidence during the trial only if it meets certain  
24 criteria or standards.

25           It is the sworn duty of the attorney on each

1 side of the case to object when the other side offers  
2 testimony or an exhibit which that attorney believes is  
3 not properly admissible under the rules of law.

4 Only by raising an objection can a lawyer  
5 request and obtain a ruling from the judge on the  
6 admissibility of evidence being offered by the other  
7 side.

8 You should not be influenced against an  
9 attorney or their client because the attorneys made  
10 objections. Do not attempt, moreover, to interpret my  
11 rulings on objections as somehow indicating to you how I  
12 think you should decide this case. I am simply making a  
13 ruling on a legal question regarding that particular  
14 piece of testimony or exhibit.

15 The questions asked by a lawyer for either  
16 party to this case are not evidence. If a lawyer asks a  
17 question of a witness which contains an assertion of  
18 fact, therefore, you may not consider the assertion by  
19 the lawyer as any evidence of that fact, unless the  
20 witness agrees with the lawyer's assertion of fact.  
21 Only the answers are evidence.

22 Charts or summaries have been prepared by  
23 the government and have been admitted into evidence, and  
24 have been shown to you during the trial for the purpose  
25 of explaining facts that are allegedly contained in

1 books, records or other documents, which are also in  
2 evidence in this case.

3           You may consider the charts and summaries as  
4 you would any other evidence admitted during the trial,  
5 and give them such weight or importance, if any, as you  
6 feel they deserve.

7           You, as jurors, are the sole and exclusive  
8 judges of the credibility of the witnesses called to  
9 testify in the case, and only you can determine the  
10 importance or weight, if any, their testimony deserves.

11           After making your assessment concerning the  
12 credibility of a witness, you may decide to believe all  
13 of that witness's testimony, only a portion of it, or  
14 none of it.

15           In making your assessment of that witness,  
16 you should carefully scrutinize all the testimony given  
17 by the witness, the circumstances under which each  
18 witness has testified, and all the other evidence which  
19 tends to show whether a witness, in your opinion, is  
20 worthy of belief.

21           Consider each witness's intelligence, motive  
22 to falsify, state of mind, and appearance and manner  
23 while on the witness stand.

24           Consider the witness's ability to observe  
25 the matters to which he or she has testified, and

1 consider whether he or she impresses you as having an  
2 accurate memory or recollection of these matters.

3 Consider, also, any relation the witness may  
4 have to either side of the case, the manner in which the  
5 witness might be affected by your verdict, and the  
6 extent to which, if at all, each witness is either  
7 supported or contradicted by other evidence in the case.

8 Inconsistencies or discrepancies in the  
9 testimony of a witness, or between the testimony of  
10 different witnesses, may or may not cause you to  
11 disbelieve or discredit such testimony.

12 Two or more persons witnessing an incident  
13 or a transaction may simply see or hear it different.

14 Innocent misrecollection, like a failure of  
15 recollection, is not an uncommon human experience. In  
16 weighing the effect of a discrepancy, however, always  
17 consider whether it pertains to a matter of importance  
18 or an insignificant detail, and consider whether the  
19 discrepancy results from innocent error or from  
20 intentional falsehood.

21 After making your own judgment and  
22 assessment concerning the believability of a witness,  
23 you can then attach such importance or weight to that  
24 testimony, if any, you feel it deserves. You will then  
25 be in a position to decide whether the government has



1 proven the charge beyond a reasonable doubt.

2           The testimony of an alleged accomplice,  
3 someone who said he participated in the commission of  
4 the crime, must be examined and weighed by the jury with  
5 greater care than the testimony of a witness who did not  
6 participate in the commission of that crime.

7           The fact that an alleged accomplice has  
8 entered a plea of guilty to the offense charged is not  
9 evidence of the guilt of any other person, including the  
10 defendant.

11           The jury must determine whether the  
12 testimony of the accomplice has been affected by  
13 self-interest, or by an agreement that he may have with  
14 the government, or by his own interest in the outcome of  
15 the case, or by prejudice against the defendant.

16           The testimony of a witness may be  
17 discredited or, as we sometimes say, impeached by  
18 showing that he or she previously made some statements  
19 which are different than or inconsistent with his or her  
20 testimony here in court.

21           The earlier inconsistent or contradictory  
22 statements are admissible only to discredit or impeach  
23 the credibility of the witness and not to establish the  
24 truth of these earlier statements made somewhere other  
25 than here during this trial.

1           It is the province of the jury to determine  
2 the credibility of the witness who has made prior  
3 inconsistent or contradictory statements.

4           In evaluating the credibility of witnesses,  
5 you should take into account any evidence that the  
6 witness has testified -- who has testified may benefit  
7 in some way from the outcome of the case.

8           Such an interest in the outcome of the case  
9 creates a motive to testify falsely and may sway the  
10 witness to testify in a way that advances his own  
11 interests.

12           Therefore, if you find any witnesses -- any  
13 witness whose testimony you are considering may have an  
14 interest in the outcome of this trial, then you should  
15 bear that factor in mind when evaluating the credibility  
16 of his or her testimony and accept it with great care.

17           This is not to suggest that every witness  
18 who has an interest in the outcome of the case will  
19 testify falsely. It is for you to decide what extent,  
20 if at all, the witness's interest has affected or  
21 colored his or her testimony.

22           You have heard the testimony of law  
23 enforcement officials. The fact that a witness may be  
24 employed by the government as a law enforcement official  
25 does not mean that his testimony is necessarily

1 deserving of more or less consideration, or greater or  
2 lesser weight, than that of an ordinary witness.

3           At the same time, it is quite legitimate for  
4 defense counsel to try to attack the credibility of a  
5 law enforcement witness on the grounds that his  
6 testimony may be colored by personal or professional  
7 interest in the outcome of the case.

8           It is your decision, after reviewing all of  
9 the evidence in the case, whether to accept the  
10 testimony of the law enforcement witness and to give  
11 that testimony whatever weight, if any, you find it  
12 deserves.

13           Evidence relating to any statement, any  
14 alleged statement, confession, admission, or act or  
15 omission alleged to have been made by the defendant  
16 outside of court and after a crime has been committed,  
17 should always be considered by the jury with caution and  
18 weighed with great care.

19           All such alleged statements, confessions or  
20 admissions should be disregarded entirely, unless the  
21 other evidence in the case convinces the jury beyond a  
22 reasonable doubt that the statement, confession,  
23 admission, or act or omission was made or done knowingly  
24 and voluntarily.

25           In determining whether any alleged

1 statement, confession, admission, or act or omission  
2 alleged to have been made by the defendant outside of  
3 court and after a crime has been committed was knowingly  
4 and voluntarily made, the jury should consider the age,  
5 training, education, occupation, and physical and mental  
6 condition of the defendant, and his treatment while in  
7 custody or under interrogation, as shown by all the  
8 evidence in the case.

9           Also consider all the other circumstances in  
10 evidence surrounding the making of the alleged  
11 statement, confession or admission.

12           If, after considering the evidence, you  
13 determine that the statement, confession, admission, or  
14 act or omission was made knowingly and voluntarily, you  
15 may give it such weight as you feel it deserves under  
16 the circumstances.

17           Statements knowingly and voluntarily made by  
18 the defendant upon being informed that a crime has been  
19 committed, or upon being accused of a crime -- criminal  
20 charge, may be considered by the jury.

21           When a defendant voluntarily offers an  
22 explanation or voluntarily makes some statement tending  
23 to show his innocence and is later shown that the  
24 defendant knew that his statement or explanation was  
25 false, the jury may consider this as a showing of

1 consciousness of guilt on the part of the defendant,  
2 since it is reasonable to infer that an innocent person  
3 does not usually find it necessary to invent or  
4 fabricate an explanation or statement tending to  
5 establish his innocence.

6               Whether or not the -- evidence as to the  
7 defendant's explanation or statement points to a  
8 consciousness of guilt on his part, and the  
9 significance, if any, to attach to any such evidence are  
10 matters exclusively within the province of the jury,  
11 since you are the sole judges of the facts of this case.

12               In your evaluation of the evidence of an  
13 exculpatory statement shown to have been false, you may  
14 consider that there may be reasons fully consistent with  
15 innocence that could cause a person to give a false  
16 statement showing that he did not commit a crime.

17               Fear of law enforcement, reluctance to  
18 become involved, and simple mistake may cause a person  
19 who ha committed no crime to give such a statement or  
20 explanation.

21               Your decision on the facts of this case  
22 should not be determined by the number of witnesses  
23 testifying for or against a party. You should consider  
24 all the facts and circumstances in evidence to determine  
25 which of the witnesses you choose to believe or not to

1 believe.

2           You may find the testimony of a smaller  
3 number of witnesses on one side is more credible than  
4 the testimony of a greater number of witnesses on the  
5 other side.

6           If any reference by the judge or by the  
7 lawyers to matters of testimony or exhibits does not  
8 coincide with your own recollection of that evidence, it  
9 is your recollection which should control during the  
10 deliberations and not the statements of the judge or  
11 lawyers. You are the sole judges of the evidence  
12 received in this case.

13           During the course of this trial, I may  
14 occasionally ask questions of a witness. Do not assume  
15 I hold any opinion on the matters to which my questions  
16 may relate. The judge may ask a question simply to  
17 clarify a matter, not to help one side of the case or  
18 hurt another side.

19           Remember at all times that you, as jurors,  
20 are the sole judges of the facts of this case.

21           Tape recordings of conversations have been  
22 received in evidence and have been played for you.  
23 Typewritten transcripts of these tape recorded  
24 conversations have been furnished to you. These  
25 typewritten transcripts of the conversations are being

1 given to you solely for your convenience in assisting  
2 you in following the conversation or in identifying the  
3 speakers.

4 The tapes themselves are the evidence in the  
5 case, and the typewritten transcripts are not evidence.  
6 What you hear on the tapes is evidence. What you read  
7 on the transcript is not.

8 If you perceive any variation between the  
9 two, you will be guided solely by the tapes and not by  
10 the transcripts.

11 If you cannot, for example, determine from  
12 the tape recording that particular words were spoken, or  
13 if you cannot determine from the tape recording who said  
14 a particular word or words, you must disregard the  
15 transcripts insofar as those words or that speaker is  
16 concerned.

17 It is the duty of the judge to admonish an  
18 attorney who, out of zeal for his or her cause, does  
19 something which I feel is not in keeping with the rules  
20 of evidence or procedure.

21 You are to draw absolutely no inference  
22 against a side to whom an admonition of the judge may  
23 have been addressed during the trial of this case.

24 The defendant, Mr. Raushi J. Conrad, in a  
25 criminal case, has an absolute right under our

1 Constitution not to testify. The fact that Mr. Conrad  
2 did not testify must not be discussed or considered in  
3 any way when deliberating and arriving at your verdict.  
4 No inference of any kind may be drawn from the fact that  
5 Mr. Conrad decided not to exercise his privilege under  
6 the Constitution and did not testify.

7 As stated before, the law never imposes upon  
8 a defendant in a criminal case the burden or duty of  
9 calling any witnesses or producing any evidence.

10 You are here to determine whether the  
11 government has proven the guilt of the defendant for the  
12 charge -- charges in the indictment beyond a reasonable  
13 doubt. You're not called upon to return a verdict as to  
14 the guilt or innocence of any other person or persons.

15 So, if the evidence in the case convinces  
16 you beyond a reasonable doubt of the guilt of the  
17 defendant for the crimes charged in the indictment, you  
18 should so find, even though you may believe one or more  
19 other indicted -- unindicted persons are also guilty.

20 But if any reasonable doubt remains in your  
21 mind after impartial consideration of all the evidence  
22 in the case, it is your duty to find the defendant not  
23 guilty.

24 There's nothing particularly different in  
25 the way that a juror should consider in the evidence in



1 the trial from that in which any reasonable and careful  
2 person would deal with any very important question that  
3 must be resolved by examining facts, opinions and  
4 evidence.

5           You are expected to use your good sense in  
6 considering and evaluating the evidence in the case.  
7 Use the evidence only for the purposes for which it has  
8 been received, and give the evidence a reasonable and  
9 fair construction in light of your common knowledge of  
10 the natural tendencies and inclinations of human beings.

11           If the defendant be proved guilty beyond a  
12 reasonable doubt, say so; if not proved guilty beyond a  
13 reasonable doubt, say so.

14           Keep constantly in mind it would be a  
15 violation of your sworn duty to base a verdict upon  
16 anything other than evidence received in this case and  
17 the instructions of the judge.

18           Remember as well that the law never imposes  
19 upon a defendant in a criminal case the burden or duty  
20 of calling any witnesses or producing any evidence,  
21 since the burden of proving guilt beyond a reasonable  
22 doubt is always with the government.

23           Upon retiring to the jury room to begin your  
24 deliberation, you must elect one of your members to act  
25 as your foreperson. The foreperson will preside over

1 your deliberations and will be your spokesperson here in  
2 court.

3 Your verdict must represent the collective  
4 judgment of the jury.

5 In order to return a verdict, each -- it is  
6 necessary that each juror agree to it. Your verdict, in  
7 other words, must be unanimous.

8 It is your duty as jurors to consult with  
9 one another and deliberate with one another with a view  
10 towards reaching agreement, if you can do so without  
11 violence to individual judgment.

12 Each of you must decide the case for himself  
13 and herself, but do so only after an impartial  
14 consideration of the evidence in the case with your  
15 fellow jurors.

16 In the course of your deliberations, do not  
17 hesitate to reexamine your own views and to change your  
18 opinion if convinced it is erroneous. Do not surrender  
19 your honest conviction, however, solely because of the  
20 opinion of your fellow jurors or the mere purpose of  
21 thereby being able to return a unanimous verdict.

22 Remember at all times that you are not  
23 partisans, you are judges, judges of the facts of this  
24 case. Your sole interest is to seek the truth from the  
25 evidence received during the trial.

1           Your verdict must be based solely upon the  
2 evidence received in this case. Nothing you have seen  
3 or read outside of court may be considered.

4           Nothing I have said or done during the  
5 course of this trial is intended in any way to somehow  
6 suggest to you what I think your verdict should be.

7           Nothing said in these instructions and  
8 nothing in any form of verdict which has been prepared  
9 for your convenience is to suggest or convey to you in  
10 any way or manner any intimation as to what verdict I  
11 think you should return.

12           What the verdict shall be is the exclusive  
13 duty and responsibility of the jury. As I've told you  
14 many times, you are the sole judges of the facts.

15           The punishment provided by law for the  
16 offense charged in the indictment is a matter  
17 exclusively within the province of the judge and should  
18 never be considered by the jury in any way in arriving  
19 at an impartial verdict as the offenses charge.

20           The verdict form has been prepared and is  
21 fairly straightforward. It lists Count I and Count II,  
22 guilty or not guilty. It's that simple.

23           You will take this form to the jury room,  
24 and when you have reached a unanimous agreement as to  
25 your verdict, you will have your foreperson write your

1 verdict, date and sign the form, and then return with  
2 the verdict to the courtroom.

3           If it becomes necessary during your  
4 deliberations to communicate with the judge, you may  
5 send a note, signed by your foreperson or by one or more  
6 members of the jury, through the court security officer.

7           No member of the jury should ever attempt to  
8 communicate with the judge by any means other than a  
9 signed writing. And the judge will never communicate  
10 with any member of the jury concerning the evidence,  
11 your opinions, or deliberations other than in writing or  
12 orally here in open court.

13           During your deliberations, you should not  
14 discuss or provide any information about the case with  
15 anyone. This includes discussing the case in person, in  
16 writing, by phone, by any electronic means, via text  
17 messaging, social media, e-mail, Facebook, LinkedIn,  
18 Twitter, blogging, or Internet chat room, or any other  
19 feature.

20           In other words, do not talk to anyone on the  
21 phone or in person, correspond with anyone, or  
22 communicate by electronic means about this case with  
23 anyone except your fellow jurors, and then only while  
24 you are all in the jury room.

25           If you are asked or approached in any way

1 about your jury service or anything about this case, you  
2 should respond you've been ordered by the judge not to  
3 discuss the matter, and you should report the contact to  
4 the judge as soon as possible.

5           Along the same lines, you should not try to  
6 access any information about the case or do any research  
7 on any issue that arose during the trial from any  
8 outside source, including dictionaries, reference books,  
9 or anything on the Internet. Information that you may  
10 find on the Internet or in a printed reference might be  
11 incorrect or incomplete.

12           In our court system, it is important that  
13 you not be influenced by anyone or anything outside of  
14 the courtroom. Your sworn duty is to base this case  
15 solely and wholly on the evidence you received here in  
16 the courtroom.

17           You will note from the oath about to be  
18 taken by the court security officer that he, as well as  
19 all other persons, are forbidden to communicate in any  
20 way or manner with any member of the jury concerning the  
21 evidence, your opinions or deliberations.

22           Bear in mind, also, that you are never to  
23 reveal to any person, not even the judge, how the jury  
24 stands, numerically or otherwise, on the question of  
25 whether or not the government has sustained its burden

1 of proof until after you have reached a unanimous  
2 verdict.

3 We'll have Mr. Hendrick come forward and  
4 take the oath.

5 (Thereupon, Mr. Kim Hendrick, the court  
6 security officer was duly sworn.)

7 MR. HENDRICK: I shall.

8 THE CLERK: Thank you.

9 THE COURT: Ladies and gentlemen, for your  
10 convenience, I've given each side about an hour. I  
11 don't know if they will each use a full hour.

12 I'm prepared to take a brief recess now, if  
13 you would like, if anybody would like to do that for  
14 purposes of convenience. But the first argument is  
15 30 minutes.

16 Should we go forward now, or would you like  
17 a short break?

18 (Jurors indicating.)

19 THE COURT: Short break? Let's take about a  
20 15-minute break. Thank you.

21 (Jury not present.)

22 THE COURT: Take a 15-minute recess. Thank  
23 you.

24 (Court recessed at 11:26 a.m. and reconvened  
25 at 11:41 a.m.)

1 (Jury not present.)

2 THE COURT: Ready to proceed, Counsel?

3 MR. BURKE: Yes.

4 MR. WALKER: Yes, Your Honor.

5 THE COURT: Mr. Hendrick, you can bring out  
6 our jury.

7 MR. HENDRICK: Yes, Your Honor.

8 (Jury present.)

9 THE COURT: You may be seated.

10 All right, Counsel, you may proceed.

11 MR. WALKER: Thank you, Your Honor.

12 CLOSING ARGUMENT BY THE GOVERNMENT

13 MR. WALKER: In December of 2010, the  
14 defendant, Raushi Conrad, walked into the offices of  
15 Team America in Manassas, Virginia, with this invoice,  
16 an invoice he knew was fake, an invoice James Bedford  
17 knew was fake, an invoice Glen Bertrand knew was fake,  
18 an invoice you, members of the jury, now know is fake;  
19 this invoice, for \$55,000 worth of support services from  
20 The Chicken Place Express to Team America, that simply  
21 never happened.

22 So, why?

23 Why did the defendant walk into the offices  
24 of Team America with this fake invoice?

25 Because now it was time for Team America to

1 hold up its end of the bargain. The defendant had  
2 secured them a lucrative data migration contract, a  
3 contract that enabled Mr. Bedford and Mr. Bertrand to  
4 line their pockets with over a million dollars of  
5 government funds.

6 And so in December of 2010, it was the  
7 defendant's turn to get paid. Over time, the defendant  
8 created fake invoice after fake invoice after fake  
9 invoice after fake invoice, to cover up the true nature  
10 of these payments, payments that he called by many  
11 names. But you, members of the jury, know there's only  
12 one real name for what these payments were: bribes.

13 The evidence has shown that the defendant,  
14 Mr. Bedford and Mr. Bertrand joined together to commit  
15 bribery. And these fake invoices are the symbol of that  
16 agreement.

17 As the government in this case, we bear the  
18 burden of proof. We have to prove to you beyond a  
19 reasonable doubt that the defendant is guilty of the  
20 crime he's been charged with. And that is exactly what  
21 we have done.

22 Judge Lee has already instructed you on the  
23 law in this case and on the elements of each offense we  
24 have to prove. But I want to walk through those  
25 elements with you briefly so we can really focus on what



1 is truly at issue here.

2 The defendant has been charged with two  
3 crimes, conspiracy to pay and receive bribes, and  
4 acceptance of bribes by a public official.

5 In order to prove that the defendant is  
6 guilt of conspiracy to pay and receive bribes, we had to  
7 prove four things:

8 First, that a conspiracy was entered into by  
9 two or more people.

10 Second, at some time during the conspiracy's  
11 existence, the defendant knew the purpose of the  
12 agreement.

13 Third, with knowledge of the purpose of the  
14 agreement, the defendant deliberately joined it.

15 And, fourth, during the conspiracy a member  
16 knowingly performed one of the overt acts charged in the  
17 indictment and did so to further and advance the purpose  
18 of the agreement.

19 We've also charged the defendant with  
20 acceptance of bribes by a public official. In order to  
21 prove that the defendant is guilty of that offense, we  
22 had to prove essentially that the defendant received or  
23 agreed to receive something of value and that at the  
24 time of the offense, the defendant was a public official  
25 of the United States and that the defendant agreed to

1 receive and accept something of value corruptly in  
2 return for being influenced in the performance of any  
3 official act.

4 So, essentially, members of the jury,  
5 Count I, the conspiracy charge, is the illegal  
6 agreement; and Count II, the substantive count, is  
7 actually committing bribery.

8 Now, most of these issues aren't seriously  
9 contested. For example, the defendant has stipulated  
10 that at the time of the offenses he was a public  
11 official of the United States.

12 And it's clear that he received something of  
13 value in the form of checks and free work done on his  
14 basement.

15 So the real question before you is this:  
16 Were the things the defendant received, the items of  
17 value in return or exchange for the performance of  
18 official act?

19 You know the answer to that question is yes.

20 To understand how that corrupt agreement  
21 began, let's go back to the meeting that took place at  
22 Team America's offices in the late spring of 2010.  
23 After briefly discussing the data migration project with  
24 Mr. Bedford, the defendant showed up out of the blue at  
25 the offices of Team America and asked Mr. Bedford and

1 Mr. Bertrand for a \$180,000 loan.

2 After Mr. Bedford and Mr. Bertrand told the  
3 defendant they couldn't afford to pay him a loan, the  
4 defendant then changed his story to an investment, an  
5 investment in the defendant's struggling chicken  
6 business.

7 Now it's clear that no one, not Mr. Bedford,  
8 not Mr. Bertrand, not the defendant, ever used the word  
9 "bribe." But in that moment everyone in that room knew  
10 exactly what was going on. They knew that the  
11 defendant's request for a loan or an investment was  
12 nothing more than a veiled solicitation request for a  
13 bribe.

14 Mr. Bedford and Mr. Bertrand agreed to that  
15 request, and shortly thereafter they obtained the data  
16 migration contract.

17 And just how did they obtain that contract?

18 Because the defendant made it so that they  
19 would. It was the defendant's idea to hire Bedford's  
20 Images.

21 The defendant admitted to law enforcement on  
22 multiple occasions that it was his idea. The defendant  
23 cut everyone else out of the process almost entirely.

24 Think about Mr. Moffett and Mr. Bryant. It  
25 was supposed to be Mr. Moffett's job to interface with

1 Mr. Bryant to come up with recommendations and  
2 suggestions to meet BIS's needs.

3 But it was the defendant who first mentioned  
4 Bedford's Images to Mr. Moffett.

5 And Mr. Bryant told you that the defendant  
6 was emphatic when he said Bedford's Images should be  
7 hired.

8 Now, members of the jury, it's not just that  
9 Bedford's Images was hired, but it's also how they were  
10 hired that shows the corrupt nature of this agreement.

11 Take a look at some of the things that  
12 didn't happen before Bedford's Images was hired.

13 There was no market research conducted to  
14 determine what type of work -- what type of cost work  
15 like this would incur.

16 There was no comparison shopping to see if  
17 another vendor could perform the work more affordably.

18 No formal competitive bids were ever  
19 submitted.

20 And no one, including the prime contractor  
21 involved in the project, knew anything about Bedford's  
22 Images aside from what the defendant told them.

23 And if you needed any more evidence of the  
24 corrupt agreement between the defendant and his  
25 coconspirators, then look no further than the option he

1 ignored that was sitting right down the hall.

2 Dr. Jian Mao testified that his company,  
3 Notion Consulting, had performed a host of services  
4 technologically for BIS in the past. They actually  
5 designed the very network that the files were being  
6 migrated onto.

7 They could have provided advice about the  
8 best way to go about tackling the project. They could  
9 have provided insight when problems were occurring.  
10 They could have done the work themselves.

11 Yet, Dr. Mao was never asked a single  
12 question, never approached by the defendant, never given  
13 a meaningful opportunity to compete for the work.

14 The defendant instead chose Bedford's  
15 Images. The defendant instead chose to do not what was  
16 best for BIS, but what was best for him.

17 If the defendant truly cared about the  
18 government getting bang for its buck, then it would have  
19 explored other options.

20 You heard from multiple witnesses on the  
21 stand about how intelligent the defendant was and about  
22 how good he was at his job.

23 But someone who is good at what they do, who  
24 is truly trying to do what is right, doesn't refuse to  
25 take very simple steps that could have saved the

1 government hundreds of thousands of dollars.

2 Those steps weren't taken, because in order  
3 for the defendant's corrupt agreement to even get off  
4 the ground, Bedford's Images needed to be hired. And  
5 the defendant saw to it.

6 And once Bedford's Images was hired,  
7 Bedford's Images was awarded the contract, and the  
8 defendant did everything in his power to protect his  
9 corrupt bargain.

10 In his opening statement, Mr. Simms said the  
11 defendant, quote: "Was not good at crossing his t's and  
12 doting his i's."

13 But when it came to protecting his corrupt  
14 agreement, the defendant tried to do just that. He  
15 ensured that no one had any real substantive contact  
16 with Bedford's Images from the outset.

17 The defendant exercised what multiple  
18 witnesses called complete control over the project. It  
19 was the defendant who determined the process for how the  
20 files would be transferred. It was the defendant who  
21 determined whose files will be transferred. It was the  
22 defendant who came up with the method for converting  
23 files. It was the defendant who took the files offsite,  
24 to BIS. It was the defendant who brought the files back  
25 from BIS.

1                   And when others tried to learn more about  
2     the process, to wrap their arms around the data  
3     migration project, the defendant simply shut them out.

4                   You heard from Ms. Sins, who said she wanted  
5     to know more. She wanted to stop the data migration  
6     work. And so she approached the defendant, and the  
7     defendant didn't even give her the name of the vendor.

8                   And what do we know about the product the  
9     vendor used for this work?

10                  You heard from Mr. Bedford on  
11     cross-examination that he told the defendant about that  
12     product while the data migration work was ongoing.

13                  Members of the jury, this is that product.  
14     Instead of choosing Dr. Mao with his Ph.D. in physics,  
15     or some other qualified company, the defendant wanted  
16     Bedford's Images, a company who used an off-the-shelf  
17     PDF converter that cost \$209.97 from Office Depot.

18                  The defendant had decades of IT experience.  
19     He knew what was being used to perform this work. He  
20     chose to look the other way.

21                  If the defendant was truly trying to do what  
22     was right, he would have stopped Bedford's Images.

23                  And what do we know about how much money  
24     Bedford's Images spent on this project?

25                  Because aside from this off-the-shelf PDF

1 converter, the only other expense Bedford's Images  
2 incurred were from the contractors who were hired to  
3 perform the work, contractors who had no specialized  
4 computer knowledge or training. And even if they did,  
5 they told you they weren't using it in this case;  
6 contractors who described the work as tedious and  
7 repetitive, contractors who said they weren't using any  
8 specialized knowledge or training.

9 So why is that important?

10 Let's look at just how much money Team  
11 America profited from this contract. \$1.1 million in  
12 revenue, just \$60,000 in cost; north of a million  
13 dollars in profits.

14 Members of the jury, Team America's costs  
15 were 18 times less than its profits. And those  
16 exorbitant profits matter.

17 First, they make it clear that there should  
18 have been a competitive bid process so that the  
19 government wasn't losing its shirt over this work.

20 Second, they provide incentive for  
21 Mr. Bedford and Mr. Bertrand to enter into this corrupt  
22 agreement, because they would still be able to pay the  
23 defendant \$208,000 in checks to perform thousands of  
24 dollars of renovation work on his basement and still  
25 profit handsomely.



1                   And it provided the defendant leverage to  
2 solicit the bribes in the first place.

3                   The defendant's official acts didn't stop at  
4 just ensuring that Bedford's Images received the data  
5 migration contract, because the defendant knew that the  
6 work being performed was shoddy. Yet he still continued  
7 to siphon money and work to Bedford's Images.

8                   It doesn't matter if the defendant didn't  
9 know about the process, because as the man in charge of  
10 the project, he knew the results: Files that were  
11 completely missing, PDFs with unidentifiable characters,  
12 spreadsheets with missing formulas, files that were  
13 totally unusable. The problems were rampant.

14                  The defense has made much of the defendant's  
15 relationship with his former coworkers, namely Ms. Sins,  
16 Mr. Donnell, Mr. Moffett, in an effort to suggest that  
17 they were setting the defendant up to fail.

18                  Despite the fact that there is no evidence  
19 that those individuals were setting the defendant up to  
20 fail, think about what you heard from Mr. Horner and  
21 Mr. Rolfe, two individuals who don't have a dog in this  
22 fight, who just wanted their files and the files of  
23 other BIS employees to be working properly. They, too,  
24 complained to the defendant about the work.

25                  On February 23rd, 2011, Mr. Horner e-mailed

1 the defendant. And you can see right here that he told  
2 him, "I don't know who you got to move these files, but  
3 most of them are not formatted correctly. They're  
4 missing spreadsheet labels. It would have been  
5 impossible for us to clean them up."

6 And just six days later, he e-mails the  
7 defendant again, says, "I don't think OCIO got a full  
8 return on its investment. You paid for services that  
9 were not of quality. Several files were worthless.  
10 Money thrown away."

11 But the complaints didn't stop there,  
12 because Mr. Rolfe e-mailed the defendant on March 14th,  
13 2011, and he told the defendant that the promised magic  
14 transfer of these files didn't seem to happen to anyone  
15 he had spoken to.

16 He described this as a colossal IT snafu.  
17 Files were corrupted. Data was missing. Formats were  
18 distorted; not exactly what the defendant indicated.

19 The defendant was aware of multiple  
20 complaints regarding the work. He was well aware that  
21 there was a problem with the work being done on the  
22 project.

23 Yet, despite all these complaints he was  
24 receiving, despite the complaints that Ms. Sins and  
25 others relayed to him almost daily, the work never

1 improved and the work never stopped.

2 If the defendant was doing his job to the  
3 best of his ability and not engaged in a corrupt  
4 agreement, he wouldn't have continued to funnel work to  
5 Bedford's Images so that they could get more money.

6 And so, after all of that, the defendant  
7 didn't stop Bedford's Images. No, he doubled down and  
8 committed another official act by requesting an  
9 additional \$55,000 for the work.

10 And why?

11 Why, in the face of all of these complaints,  
12 would he request more money for Bedford's Images to do  
13 more work?

14 Well, because now, in addition to the checks  
15 he was receiving, he was also getting free renovation  
16 work done on his basement.

17 Four witnesses testified about the work they  
18 did on the defendant's basement.

19 May 2011, Charles Boyd performs \$2,700 worth  
20 of plumbing and heating work.

21 Also in May 2011, Quentin Powell performs a  
22 host of electrical services for the defendant, \$2,895  
23 worth.

24 Again, in June 2011, Quentin Powell performs  
25 another \$1,865 worth of electrical work.

1                   And in August of 2011, Delaney Harris  
2 performs \$300 worth of work installing a thermostat and  
3 a control board in the defendant's basement.

4                   These men were independent contractors.  
5 They were not employees of Team America. They were not  
6 sitting on their hands with nothing to do, as the  
7 defense suggested in their opening statement. No.

8                   Mr. Bertrand sought them out and he told  
9 them to go to the defendant's basement and do exactly  
10 what the defendant asked them to do.

11                  And then there was Charly Orellana-Nogales.  
12 Mr. Nogales testified that in the Summer of 2011, he  
13 worked at the defendant's basement for six weeks,  
14 installing drywall, sandblasting walls, raising walls,  
15 connecting a bath and shower, installing a door; six  
16 weeks, eight hours a day, forty hours a week; not to  
17 mention the work that Mr. Orellana's father and his  
18 brother and his friend did at the defendant's basement.

19                  Mr. Orellana paid for all of those -- those  
20 supplies with a Team America credit card, not with a  
21 card from the defendant.

22                  All of these men -- Mr. Boyd, Mr. Powell,  
23 Mr. Harris, Mr. Nogales -- they all performed work at  
24 the defendant's basement. They were all paid by Team  
25 America, and the defendant never repaid Team America one

1 cent.

2 And so the defendant repays Team America in  
3 a different way, not by writing a check for the money  
4 for the work that was being done in his basement, but by  
5 requesting an additional \$55,000 in funding just a month  
6 after the summer work renovating his basement had ended.

7 That, members of the jury, is the very  
8 definition of quid pro quo, this for that.

9 That quid pro quo becomes even clearer when  
10 we compare the timing of when Bedford's Images got paid  
11 to the timing of when the defendant got paid by Team  
12 America. So, let's look at that timing.

13 November 5th, 2010, Tridea Works makes a  
14 payment to Bedford's Images for \$125,000. Just one week  
15 later, Team America pays the defendant's business, the  
16 Chicken Place Express, \$18,000.

17 December 7th, 2010, Bedford's Images gets  
18 paid, and just eight days later the defendant gets paid,  
19 a check for \$55,000 of support services that never  
20 happened.

21 March 7th, 2011, Bedford's Images gets paid  
22 \$400,000. Three days later, Team America pays the  
23 defendant \$50,000, again for support services that never  
24 happened.

25 And finally, May, May of 2011, Bedford's

1 Images gets paid, and just one day later, May 3rd, 2011,  
2 Team America pays the defendant \$20,000, again for  
3 support services that never happened.

4 All of these payments were made while the  
5 defendant was in control and minding the data migration  
6 project.

7 Members of the jury, that evidence of a quid  
8 pro quo is not just a coincidence. Time and time again,  
9 this was the script: James Bedford gets paid, the  
10 defendant gets paid; this for that.

11 And if you had any doubt about whether  
12 everyone involved in this corrupt agreement knew exactly  
13 what was going on, then take a look at the memo line of  
14 this check. That memo line says this check was for data  
15 migration.

16 We know The Chicken Place Express wasn't  
17 performing data migration work for Team America.

18 But who was performing data migration work,  
19 and who got them that work?

20 When the defendant went and picked up this  
21 check that had a memo line that read "data migration,"  
22 do you think that he had any doubt what this check was  
23 for?

24 That memo line is not just a Freudian slip.  
25 It reveals that everyone knew what this was.

1                   So what did those checks and that free work  
2 the defendant receive all amount to?

3                   \$208,000 in checks, \$7,800 in renovation  
4 work done on his basement. And keep in mind that that  
5 figure doesn't even factor in -- take into account the  
6 six weeks of work and 240 hours of work done by  
7 Mr. Nogales, because he was a Team America employee not  
8 an independent contractor. So, of course, there are no  
9 records of that.

10                  But you know it happened, because  
11 Mr. Nogales, again a man with no stake in this case,  
12 told you it did. He told you that his boss,  
13 Mr. Bertrand, told him to go to the defendant's basement  
14 and do whatever the defendant told him. And that's  
15 exactly what he did.

16                  Those checks, that free work, that's why the  
17 defendant entered into this corrupt bargain. That's why  
18 he kept feeding work to Bedford's Images.

19                  Now, as I explained to you earlier, the  
20 government bears the burden of proof. That means that  
21 the defendant has no burden.

22                  But think about the claims the defense made  
23 in their opening statement, claims that are simply just  
24 not supported by the evidence. Let's walk through a  
25 couple of those claims so we can talk about why they

1 just don't add up.

2 First, the claim that this was -- this  
3 agreement was a loan or an investment.

4 Members of the jury, you get to use your  
5 common sense when evaluating the defendant's guilt. And  
6 common sense suggests that when something is a loan,  
7 it's supposed to be paid back; maybe not all at once,  
8 but over time some efforts are made to repay the debt.

9 The defendant never repaid a loan in this  
10 case. Mr. Bedford told you that there was no loan, and  
11 the defendant never repaid him back; no evidence of a  
12 repayment plan, no evidence of a promissory note, no  
13 discussion of an interest rate, no evidence of repayment  
14 whatsoever.

15 And the notion that this was an investment  
16 carries little weight as well. No business plans  
17 detailing profit sharing. There were no discussions as  
18 to ownership structures, no agreement, not even so much  
19 as signatures on a napkin.

20 This was, again, an attempt by the defendant  
21 to cover up his tracks. If this was truly an  
22 investment, then he wouldn't have needed to create fake  
23 invoices.

24 If this was truly an investment, the  
25 defendant wouldn't have needed to cover his tracks.



1 There would be something, some evidence of an agreement  
2 between the defendant and his coconspirators. This  
3 supposed investment was nothing of the sort.

4 You heard that this supposed loan or  
5 investment was only discussed one time in that initial  
6 meeting. And why is that? Because it was pretext.  
7 There was no more discussion because there was no loan.  
8 There was no investment.

9 Think about what you heard from law  
10 enforcement about the thoroughness of the investigation  
11 in this case.

12 The case agent reviewed over three terabytes  
13 of electronic data and box after box of hard-copy  
14 records from the defendant and Team America.

15 FBI Forensic Accountant Showlatha Johnson  
16 scoured almost 30 bank accounts, trying to find evidence  
17 of a repayment on this supposed loan from the defendant  
18 to Mr. Bedford, or from the defendant's businesses to  
19 Team America. She found no evidence of repayment of a  
20 supposed loan.

21 Members of the jury, law enforcement didn't  
22 find those -- that evidence because they didn't look  
23 hard enough; clearly they did. They didn't find it  
24 because it doesn't exist.

25 The evidence shows that these payments were

1 not loans. But let's assume for a moment that they  
2 were.

3           If the defendant received a loan from Team  
4 America that had no repayment plan, that he never paid  
5 back, that was no -- that had no interest rate, well,  
6 then, he still received a thing of value because he  
7 would never be able to get a loan on those terms in the  
8 real world. And the only reason he was able to get a  
9 loan on those terms is because of the position he held.

10           Similarly, if the defendant received an  
11 investment on those terms, he also received a thing of  
12 value. And that's because no businessperson in his or  
13 her right mind would ever agree to an investment  
14 structure that had no formalized agreement, no  
15 discussion of when this supposed investment was going to  
16 pay dividends.

17           So even if you believe these payments were  
18 loans or an investment, they are still something of  
19 value the defendant received in exchange for his  
20 official acts.

21           Now let's talk about the BIS witnesses.  
22 Because the defense spent much of his cross-examination  
23 of those witnesses attempting to show that the defendant  
24 didn't have as much control as we said he did, and that  
25 other BIS employees, namely Ms. Sins, Mr. Donnell,

1 Mr. Bryant and -- of SPAWAR, were asleep at the  
2 controls.

3 But remember, the defendant himself admitted  
4 to law enforcement that he was in control of the  
5 project. He admitted that it was his decision to hire  
6 Bedford's Images. It doesn't matter if other employees  
7 needed to take steps to actually formalize that hiring.

8 And to make that clear, let's take a look at  
9 a portion of the jury instruction on "official act" you  
10 received. A decision or action or a qualifying step  
11 would qualify as an official act. An official act also  
12 includes a public official exerting pressure or  
13 advice -- pressure on another official to perform an  
14 official act, or providing advice to another official,  
15 knowing or intending that such advice will form the  
16 basis for an official act by another official.

17 Members of the jury, I know that seems like  
18 a mouthful, but what matters is that the defendant did  
19 just that.

20 When he told Mr. Moffett that Bedford's  
21 Images was the company he wanted hired, when he told  
22 Mr. Bryant, and that he was emphatic in doing so, that's  
23 what mattered.

24 So when his pressure or advice ultimately  
25 resulted in steps taken by Mr. Bryant and Mr. Moffett to

1 make that hiring happen, well, then the defendant  
2 performed an official act. He exercised the control  
3 that mattered most.

4 And regarding BIS employees being asleep at  
5 the controls, members of the jury, we don't disagree.  
6 Other BIS employees should have done a better job of  
7 policing the defendant's behavior.

8 But you know what all that really means?

9 It means the defendant had the opportunity  
10 to commit this crime. Their lack of control doesn't  
11 excuse his behavior. It explains it. Their lack of  
12 control allowed an intelligent man to seize upon an  
13 opening to commit this crime.

14 I want to close, members of the jury, by  
15 talking to you a bit more about the admissions the  
16 defendant made to law enforcement and his attempts at  
17 concealment that further prove the evidence of his  
18 guilt.

19 The defendant was interviewed three times by  
20 law enforcement. And over the course of those  
21 interviews he made several important admissions.

22 He admitted that it was his idea to hire  
23 Bedford's Images. He admitted that "CPE" stood for  
24 Chicken Place Express. And that's important because the  
25 checks written from Team America were written to CPE,

1 the defendant's business.

2 He admitted that he received payments from  
3 Team America. He admitted that he deposit the checks  
4 from Team America.

5 He admitted he did no work for the checks  
6 from Team America. He admitted that he did not perform  
7 the work in the check memo lines. He admitted the  
8 invoices were fake.

9 Those admissions are important. But there  
10 is another part of this story that's just as important,  
11 too. Because the defendant -- his attempts at  
12 concealment prove his guilt as well.

13 Think about how the defendant's story kept  
14 shifting over time. In 2011, when the defendant was  
15 first interviewed, the investigation was just beginning.  
16 And the reality of the fact is the agents didn't know  
17 about those secret bribe payments then.

18 You'll have the trans- -- the recording of  
19 that interview in the deliberation room, and you can  
20 listen to it as many times as you would like. Listen  
21 carefully to the nervousness, the hesitation in the  
22 defendant's voice. It's clear that he is trying to suss  
23 out just how much the agents knew.

24 And so, at the end of that interview, when  
25 he realized they had not asked him about the secret

1 payments, you know, having listened to a clip of that  
2 interview, the defendant lied. When asked, "What's your  
3 relationship" -- "outside relationship with Team  
4 America," the defendant said, "I don't really have one  
5 with Team America."

6 "I don't really have one with Team America."  
7 Think about that, members of the jury. Two months  
8 before this interview took place, the defendant was  
9 still receiving checks. The defendant was still having  
10 work done on his basement.

11 By October 19th, 2011, when this interview  
12 took place, the defendant had \$215,000 worth of outside  
13 relationship with Team America. Those checks, that free  
14 work, they are the very definition of an outside  
15 relationship.

16 The defendant's attempts at concealment  
17 didn't stop there. Over time he was interviewed twice  
18 more. In that second interview, he admitted that he  
19 received the payments, but provided no explanation  
20 whatsoever as to why he did.

21 In the third interview, he initially said  
22 these payments were a loan. Then he changed his story  
23 and said these payments were an investment.

24 You heard from Supervisory Special Agent  
25 Luebke that over the course of that same interview, the

1 defendant's story kept changing. Whether it was saying  
2 there was no outside relationship, or providing no  
3 explanation for the payments, or saying these payments  
4 were a loan, or saying that it was an investment, the  
5 defendant's story kept shifting.

6 But, members of the jury, you don't have to  
7 tell four different stories if you're telling the truth  
8 from the beginning.

9 The defendant didn't resign because he  
10 wanted to take accountability for his actions. He  
11 resigned because he wanted this all to go away. And  
12 accountability surely isn't lying to law enforcement in  
13 a recorded interview. These shifting stories, this  
14 changing narrative: the defendant's attempts to cover  
15 up his crime. Just as Mr. Burke said in our opening  
16 statement, the coverup proves the crime.

17 You heard from Mr. Bedford himself, a man  
18 who has pled guilty and who has admitted to conspiring  
19 with the defendant and to paying him bribes.

20 The defense has tried to insinuate that  
21 because Mr. Bedford didn't tell the truth initially  
22 about the existence of those bribes, well, that means  
23 his testimony must be bought and sold.

24 But members of the jury, no one wants to  
25 admit they've committed a crime. The defendant,

1 Mr. Bedford and Mr. Bertrand, didn't tell anyone about  
2 their arrangement.

3 And so it wasn't until after Mr. Bedford was  
4 confronted with the evidence against him that he told  
5 the truth. And now he must suffer the consequences of  
6 his agreement with the defendant.

7 But think about what he told you on the  
8 stand. He told you that he paid the defendant in  
9 exchange for the data migration contract. He told you  
10 this situation was a classic wink and a nod. He told  
11 you this situation was pay for play.

12 No matter how much the defendant tries to  
13 insinuate that Mr. Bedford was untruthful on the stand,  
14 no matter what they say, no matter what we say, you,  
15 members of the jury, get to judge Mr. Bedford's  
16 credibility, his remorse, his contriteness for  
17 yourselves.

18 Pretend for a moment that Mr. Bedford never  
19 even took the stand. All of the other evidence still  
20 proves the defendant is guilty. The defendant's  
21 decision to hire Bedford's Images, the defendant's  
22 control over the project, the defendant requesting  
23 additional funding despite numerous complaints, the  
24 defendant creating fake invoices, the defendant  
25 receiving free work on his basement, the defendant's



1 shifting stories, all of it proves he is guilty beyond a  
2 reasonable doubt, no matter how much time they spend  
3 trying to discredit Mr. Bedford.

4 Everything you've heard from the defense  
5 over the course of this trial are just more attempts to  
6 cover up the crime.

7 This case isn't a case about blurred lines,  
8 as the defense would have you believe. It's a case  
9 about a corrupt public official who took bribes in  
10 exchange for official acts.

11 At every turn, the defendant tried to  
12 conceal what he and his coconspirators knew all along.  
13 These were bribes.

14 Members of the jury, public officials who  
15 control how government money is spent have a lot of  
16 power. And the higher up that chain you go, the power  
17 becomes greater. But with that power comes the  
18 responsibility not to use the position of trust for your  
19 own personal gain.

20 That's exactly what the defendant did here.  
21 He steered a government contract towards two men he  
22 conspired with to commit bribery. He abused his power.  
23 But now the tables have turned, and the power is in your  
24 hands.

25 The defendant has claimed that he's taken

1 accountability for his actions. But members of the  
2 jury, accountability lies with you. When you go back  
3 into that deliberation room, you're going to see, just  
4 like you've seen throughout this entire trial, when you  
5 review the evidence, that the defendant is guilty of  
6 conspiracy to commit bribery and bribery.

7 Hold him accountable. That is why we ask  
8 that you find him guilty.

9 Thank you.

10 THE COURT: Why don't you stand and stretch  
11 for a moment.

12 (Pause.)

13 THE COURT: Mr. Simms, you're ready?

14 MR. SIMMS: Yes.

15 THE COURT: All right.

16 CLOSING ARGUMENT BY THE DEFENDANT

17 MR. SIMMS: Ladies and gentlemen, the  
18 government had a burden to meet. That burden is proof  
19 beyond a reasonable doubt. Mr. Conrad is presumed  
20 innocent until and unless the government meets that  
21 burden.

22 In this case, the government has failed to  
23 meet that burden. And let's talk about that.

24 So amongst all the papers and documents,  
25 e-mails, charts, checks, tax records and government

1 forms that the government has put into evidence, they've  
2 only called one witness, one witness, who is  
3 interpreting what happened as a bribe, and that was  
4 James Bedford.

5           You didn't hear from Mr. Bertrand. It's the  
6 government's burden. They didn't call him. I guess we  
7 can put him on a milk carton because he was not called  
8 to testify to anything about his relationship with  
9 Mr. Conrad or even his relationship with Mr. Bedford.

10           So, let's talk about Mr. Bedford, the only  
11 witness that they did call to discuss this.

12           What do we know about Mr. Bedford?

13           Well, as Mr. Walker just stated, if you tell  
14 me the truth, then you don't need four different  
15 versions of a story.

16           Well, we know that Mr. Bedford had several  
17 different versions of events, several different stories  
18 that he told agents several different versions when he  
19 testified before you.

20           So we know that Mr. Bedford was a  
21 disgruntled contractor. He said he had been contracting  
22 for over 20 years.

23           In his own personal statement to the Court  
24 that he typed out, he stated that he had a frustration  
25 because he was missing out on contracts.

1                   Now he didn't take accountability that maybe  
2 he was missing on contracts because he was bidding too  
3 high, or maybe his company just wasn't qualified. He  
4 says that he was missing out on contracts because he  
5 wasn't paying for them.

6                   And he was tired of seeing other people get  
7 contracts that he thought his company should get, and he  
8 thought that it was a good old boy network and a pay for  
9 play type of system.

10                  So, in his mind, he came to the conclusion  
11 that, "I've got to pay money in order to get contracts."

12                  Mr. Conrad never told him that. Mr. Conrad  
13 never told him, "Hey, this is how the game works.  
14 You've got to pay money or give things of value and then  
15 you get what you want." Never had that type of  
16 conversation with Mr. Conrad.

17                  Now, what else do we know about Mr. Bedford?

18                  We know that he lied to the government. We  
19 know he cheated the government and he stole from the  
20 government. He inflated every single invoice he  
21 submitted for payment.

22                  He didn't even ease into it. His first  
23 invoice that he submitted for the migration project had  
24 lies in it, and he got paid over a hundred thousand  
25 dollars based on those lies.

1                   Mr. Bedford, ladies and gentlemen, was a  
2 brazen liar and a brazen thief, with no remorse.

3                   He was good at deceiving individuals. You  
4 heard from his family friend who said she had known  
5 Mr. Bedford for over 20 years, known him for over  
6 20 years, and had no idea that he was lying to the  
7 government and stealing this money. So he's good at  
8 deceiving people as well.

9                   We know he had various different versions of  
10 why he gave money to Mr. Conrad. First he says it was a  
11 loan. Then he says it was a restaurant venture.

12                  And then, when he's confronted with these  
13 invoices, he realized that he's in hot water. He  
14 realizes that the government has caught him on his lies,  
15 his thievery, and the story changes.

16                  At this time he says, "Well, you know what?  
17 Although Mr. Conrad told us that it would be a loan or  
18 an investment, I took it to be a bribe."

19                  Now that doesn't make any sense. And we'll  
20 get to that later on.

21                  Let's look at Mr. Bedford's plea agreement  
22 and his motivation to lie in this case. So, the plea  
23 agreement that Mr. Bedford signed is kind of like a  
24 contract. There's agreements on the part of what the  
25 government will do, and Mr. Bedford is supposed to be

1     agreeing to things that he will do.

2                     Now, a part of that contract that  
3     Mr. Bedford signed, a part of that plea agreement, is a  
4     clause that states that upon the motion of the  
5     government, they could -- they have the discretion to  
6     file for a reduction of a sentence.

7                     And, Mr. Bedford told you on the stand that,  
8     by testifying, he hoped to get a reduction in his  
9     sentence.

10                    Now, ladies and gentlemen, we didn't get  
11    into specifics, but we all have eyes and ears and we can  
12    see that Mr. Bedford is not a physically healthy  
13    individual. He could barely make it through half a day  
14    of testimony. Do you think he can make it through one  
15    day in jail?

16                    So think about that incentive that he would  
17    have to lie, that self-preservation.

18                    The government will have you believe that  
19    because Mr. Bedford signed this plea agreement, which is  
20    like a contract, and he has promised not to lie, that  
21    you should believe him.

22                    But hasn't he signed other government  
23    contracts before and lied on them over and over and over  
24    again?

25                    Mr. Bedford is not a credible individual.

1 He is not someone who is trustworthy. He is someone who  
2 is looking out for himself, especially now.

3 Now, we know that he lied in order to get  
4 money. His company profited over a million dollars at  
5 the government's expense. And that was just for money.

6 Now, what's more important to an individual  
7 than money, ladies and gentlemen?

8 What's more important than money?

9 Your freedom. Your liberty. Mr. Bedford is  
10 in the position where he's facing a significant amount  
11 of jail time. We know he lied to get money. No doubt  
12 that he would lie to maintain his freedom, to maintain  
13 his liberty and not to go to jail.

14 Let's look at his testimony. He states  
15 that he -- he overheard Mr. Conrad complaining about the  
16 data migration project, just walked by and overheard him  
17 complaining about it.

18 He says he approached Mr. Conrad,  
19 unsolicited, and said, "Hey, I have over 20 years of  
20 doing data migration projects. I used to -- I've worked  
21 for Department of -- the Department of Navy and other  
22 contractors. I even have a website. You should go take  
23 a look at it and see what you think."

24 So that was his testimony to you all. Then  
25 he says that shortly after that, Mr. Conrad approached

1 Mr. Bedford and Mr. Bertrand and asked for a loan or an  
2 investment of \$180,000.

3 And he said that he and his business partner  
4 said, "No, we can't do it, because we can't give you all  
5 of that money at the same time."

6 There was no further discussion of the loan,  
7 no further discussion of an investment at all.

8 Mr. Bedford and Mr. Bertrand said no. But  
9 they still get the contract. They get the contract, and  
10 they get their first payment in August. That first  
11 payment is over a hundred thousand dollars.

12 Now, in November -- or, sorry, in December,  
13 it's about five or six months, or five months after the  
14 conversation, he says that Conrad shows up to the office  
15 with an invoice and gives it to Ms. Alice (sic) for  
16 payment.

17 He says that he gets the invoice, shows it  
18 to Mr. Bertrand. They take a look at it. They don't  
19 call Mr. Conrad -- and keep in mind, Mr. Bertrand and  
20 Mr. Conrad are family. Mr. Bedford also knows  
21 Mr. Conrad quite well.

22 They don't call him. They don't e-mail him.  
23 They don't do anything. And they say, "We got it, and  
24 we just decided to pay it."

25 And he said they paid it because, "In our



1 mind, we thought it was a wink and a nod, a request for  
2 a bribe." No confirmation from Mr. Conrad. He never  
3 used the word "bribe." He never talked to them about  
4 that, but that's what they took it to mean.

5 So, they paid it, and they continued to pay  
6 it -- pay invoices even after the data migration project  
7 was done.

8 And in his personal statement he said, "I  
9 felt compelled to pay those invoices because Mr. Conrad  
10 was like family." And he says, Mr. Conrad recommended  
11 him for the contract.

12 Well, who told him that? Who told him that?  
13 He's assuming that information. Because, as I stated  
14 before, after the request for a loan, there was never  
15 any other conversation between the two of them about  
16 that contract.

17 There was never any conversation, when  
18 Mr. Conrad ask for the loan, about a contract. The only  
19 time there was a discussion about the data migration  
20 contract was when Mr. Bedford told Mr. Conrad that,  
21 "Hey, I have the experience. My company can do it."

22 Now, why doesn't Mr. Bedford's story make  
23 any sense?

24 Well, he said that they didn't agree to the  
25 investment of the loan because they didn't have \$180,000

1 to give at one time.

2 Well, ladies and gentlemen, they never gave  
3 the defendant \$180,000 at one time.

4 Another reason why his story doesn't make  
5 sense: If this was actually a bribe scheme, then why  
6 wouldn't Mr. Conrad approach them right after they got  
7 awarded that contract?

8 He asked for the investment of the loan in  
9 early June. Bedford's Images got paid over a hundred  
10 thousand dollars in August.

11 How come Mr. Conrad, if it was a bribe,  
12 didn't go and get his piece of pie at that time?

13 Instead, Mr. Bedford's story states that  
14 there was no communication about anything for five  
15 months, and then magically an invoice comes, and then  
16 once again the payments continued, even after the data  
17 migration contract ends.

18 Now, let's talk about the invoices and  
19 payments. So, the government has entered into several  
20 invoices that were given from Raushi Conrad to Team of  
21 America contractors, Bedford Images.

22 He didn't deny those invoices. He also  
23 didn't deny getting payment from Team of America,  
24 Bedford Images.

25 Now neither of those, standing alone, are

1 violations of law. And let's talk about and look at  
2 those things using common sense, everyday common sense.

3 So, if this was a bribe payment, why in the  
4 world is Mr. Conrad creating a paper trail?

5 Why would he do that? What's the purpose of  
6 going there, presenting the invoice, holding it up like  
7 a ticket, like -- "I'm ready for my bribe payment.  
8 Here, take this and keep it in your records just in case  
9 investigators ever want to -- ever want to come, they  
10 can confirm that I got paid for a bribe"?

11 Makes no sense whatsoever.

12 And look at the invoices and the subject  
13 line and what they say.

14 Now, "CPE" is Chicken Place Express. It's a  
15 restaurant. Food services. If Mr. Conrad was trying to  
16 use the invoices to hide a bribe, wouldn't he put  
17 "vendor services" or something to do with food on those  
18 invoices?

19 Why in the world would he put "engineering  
20 services," "support services," things of that nature?

21 It doesn't make any sense.

22 Ladies and gentlemen, you're allowed to make  
23 inferences. And the inference in this case is that  
24 those invoices were just documentations of the loan  
25 payments that Bedford Images were giving to Mr. Conrad.

1 They weren't an attempt to cover up anything.

2 Now, let's look at the checks. And you  
3 heard me ask witness after witness for the government  
4 that testified about the checks: So those checks were  
5 written out to CPE, also known as Chicken Place Express.  
6 They were deposited into two separate accounts. Both  
7 accounts are tied back to Raushi Conrad.

8 Let's talk about common sense again. Why is  
9 Mr. Conrad creating a paper trail if this is a bribe?

10 He's depositing checks into banking accounts  
11 that go directly back to him. And as I stated in  
12 opening, the government stated, and also his former  
13 colleagues stated, Mr. Conrad is an intelligent  
14 individual, too smart, if this was a bribe payment, to  
15 deposit checks into his own account for bribery  
16 payments.

17 Ladies and gentlemen, common sense calls us  
18 to know that when people get paid for bribes, they get  
19 cash. They don't want a paper trail coming back to  
20 them. They don't want individuals who can investigate  
21 to be able to track down their checks.

22 In this case, the investigators were able to  
23 go right to Mr. Conrad's banking account and look at the  
24 checks. They were right there. He never denied  
25 receiving them.

1           The things that Mr. Conrad did make no sense  
2     for someone that was committing criminal activity. It's  
3     like robbing a bank, getting the money, and then leaving  
4     your business card with the teller you just took the  
5     money from and leaving. It makes no sense.

6           Now let's talk about the work on the  
7     basement.

8           Once again, Mr. Bertrand and Mr. Conrad are  
9     family. Mr. Bertrand handles the construction side of  
10    the company. That's what Mr. Bedford stated. He  
11    handles the construction side. Mr. Bedford handles the  
12    digital technology side.

13          Individuals came to -- they worked for Team  
14    of America. Mr. Bertrand's side of the business came to  
15    Mr. Conrad's house and did work.

16          Now, in terms of what was actually done, I  
17    tend to question because, as Mr. Harris stated, when he  
18    went to the basement it was in pristine condition.

19          But Quentin Powell said when he went there,  
20    it looked as though the place was under construction.

21          But, any event, their testimony was that  
22    they went there and they performed work at the direction  
23    of Mr. Bertrand.

24          Now, Mr. Bedford testified about the work  
25    and the work being done, but never stated why they paid

1 the contractors. He didn't say, "Oh, we paid them  
2 because we wanted to continue getting contract work."  
3 He simply stated that they didn't pay it.

4 Now, there could be various reasons why  
5 Mr. Bertrand didn't require Mr. Conrad to repay him for  
6 the basement work. It could have been because he was  
7 family. It could have been because he owed him for  
8 something -- not government contract work -- for  
9 something that Mr. Conrad had done for him. But we  
10 don't know that because the government didn't call  
11 Mr. Bertrand.

12 Now, the government has made a great deal  
13 about the repayment of the loan.

14 Now, first off, not repaying a loan or  
15 investment is not a crime. Now, it can be -- cause a  
16 civil judgment against you, but it's not a crime.

17 And let's be real. Mr. Conrad was in debt  
18 to a lot of people. He wasn't good at repaying people  
19 after he borrowed money.

20 Now, there's been discussion from three  
21 witnesses about a restaurant venture, and one witness  
22 had talked about the truck hut.

23 Now, when you think about it, Mr. Bedford  
24 wanted to go into the restaurant business.

25 Who's the expert or who has been involved in

1 the restaurant business for years?

2 Who has a restaurant that, as Mr. Bedford  
3 testified to, has this chicken sauce that -- that has  
4 value to it? That's Mr. Conrad.

5 So, three witnesses testified that they were  
6 seeking out a restaurant location, even as late as 2012,  
7 to open.

8 I would submit to you that, once again,  
9 you're allowed to make inferences. And acting as a  
10 consultant, possibly giving Mr. Bedford the sauce to the  
11 recipe to that chicken, is a thing of value.

12 I'm going to draw your attention to some of  
13 the instructions that the Court gave you previously.

14 I'm going to draw -- I want you to look at,  
15 when you go back to the jury room, instruction 20. It  
16 talks about Count II of the indictment, and it states  
17 that the public official would have to have done  
18 something, directly or indirectly, knowingly, corruptly,  
19 demand, seek, receive, accept, and agree to receive and  
20 accept, things of value -- and this is what I'm going to  
21 emphasize on here -- in return for promising to perform  
22 and performing official acts.

23 So, look at the evidence in this case.  
24 There has been no witnesses called that testified that  
25 Mr. Conrad said that he promised to perform an official

1 act for them.

2 When did he ever promise Bedford Images that  
3 he was going to perform official acts for them?

4 It wasn't during the time that Mr. Bedford  
5 came and said, "We have experience doing data migration  
6 projects." It wasn't when Mr. Conrad asked for a loan  
7 or an investment. And it certainly wasn't when  
8 Mr. Bedford got this invoice for Ms. Alice (sic). There  
9 was never any promise to do anything in return.  
10 Mr. Bedford took it for what he wanted to.

11 Now, you heard from Kim Sins, one of  
12 Mr. Conrad's former colleagues. And she was adamant --  
13 I believe she said it three times -- that Mr. Conrad did  
14 not select the vendor in this case.

15 Now, you also heard from Kim Bryant from  
16 SPAWAR. Kim Bryant said that he did receive a call from  
17 Mr. Conrad about Bedford Images, but there was no  
18 testimony about any pressure.

19 Mr. Walker stated that Mr. Bryant testified  
20 that Mr. Conrad was emphatic.

21 I don't recall that testimony. Your  
22 recollection controls. If you heard that word, I did  
23 not. I heard testimony about Mr. Conrad making a phone  
24 call to Mr. Bryant and mentioning Bedford Images.

25 Mr. Bryant never said that Mr. Conrad



1 threatened him. Mr. Bryant never said that Mr. Conrad  
2 pressured him or put any undue influence on him to  
3 choose Bedford Images.

4 Now let's talk about that, for Mr. Bryant to  
5 choose Bedford Images.

6 Mr. Bryant testified on the stand that he  
7 doesn't have the authority or the power to choose the  
8 subcontractor. That's Tridea. Tridea selects who the  
9 subcontractor would be. So they would be the  
10 individuals to select Bedford Images.

11 Now, when Henry Hodor took the stand and  
12 talked about his role in the data migration project, he  
13 said he never had any conversation with Mr. Conrad at  
14 all. He said he never had any communication with  
15 Mr. Conrad at all.

16 So, where is the official act?

17 Where is the pressure?

18 Where is the promising to perform?

19 Ladies and gentlemen, the evidence does not  
20 show that there was any promise to perform. The  
21 evidence is lacking an official act.

22 Now, let's focus on the aspect or the  
23 element where the public official must receive and  
24 accept things in exchange for the official act.

25 So we've just discussed that, about

1 Mr. Conrad not having authority. And when you go back  
2 to Mr. Bedford's testimony, you won't hear anything  
3 about any promises to act.

4 So those gaping holes caused by the  
5 government creates a situation where their case has  
6 fell (sic) well short of proving bribery under the law.  
7 There's been a lot of testimony, a lot of documents,  
8 submitted in this case.

9 And like I stated, there's no contesting  
10 that Mr. Conrad received payment. There's no contesting  
11 that there were invoices that were submitted.

12 And once again, getting a loan from a  
13 company that had a contract, it was a conflict of  
14 interest. And when Mr. Conrad was interviewed by  
15 federal agents, he did attempt to hide that. He told  
16 them that he didn't have a relationship with Team of  
17 America.

18 And the reason that he did that is because  
19 he knew that he shouldn't have had a relationship with  
20 Team of America, when they were also doing work for his  
21 department. And it created a conflict of interest.

22 But that is completely different than him  
23 getting payment in exchange for getting a contract  
24 awarded to Team of America or Bedford Images.

25 Now, we've also heard from government

1 officials in this case who came in here -- and I will  
2 submit to you that their testimony and their actions in  
3 this case were completely ridiculous.

4 They came in here trying to cover themselves  
5 because, on their watch, over a million dollars was  
6 taken from the United States Government.

7 And that wasn't on Mr. Conrad.

8 Mr. Walker testified (sic) that their lack  
9 of action, their lack of performing their duties,  
10 allowed Mr. Conrad or gave him opportunity.

11 He wasn't the one receiving invoices. He  
12 wasn't tasked with the duty of making sure that the  
13 hours matched what was being paid out.

14 That was Tridea's job. That was Kim  
15 Bryant's job. And then, later, Kim Sins should have  
16 looked into it.

17 And they came in here and they want you to  
18 believe that, "We asked him so hard who the vendor was,  
19 and we wanted to know, and he wouldn't tell us."

20 "Did you ask a name?"

21 Mr. Donnell, said, "Well, no, I never -- I  
22 never asked a name."

23 "Did you ask for an e-mail address?"

24 "Well, no."

25 Well, then, were you really trying to find

1 out?

2 If things were really that bad, as you're  
3 coming in now and saying, did you really try to find out  
4 what was going on?

5 Or was everybody sleeping behind the wheel?

6 Now, Mr. Bedford stated that Mr. Conrad did  
7 approach him and he said, "What software are you using?"

8 Mr. Bedford revealed the software, but then  
9 he said he would not tell Mr. Conrad how he was  
10 performing the data migration.

11 So Mr. Conrad, being in the same position as  
12 Kim Sins, being in the same position as Eddie Donnell,  
13 didn't follow up and go through with how the work was  
14 being done.

15 And there were errors and there were  
16 mistakes. But that, ladies and gentlemen, falls on  
17 Mr. Conrad's job and his oversight, not his integrity.

18 He fell asleep. Kim Sins fell asleep.  
19 Eddie Donnell fell asleep. And the fox that got away  
20 with the hen was James Bedford.

21 Now, we've heard his story. And like I  
22 said, he was the only witness called. And I would  
23 submit to you: Don't be another audience that takes his  
24 word for it. Don't be fooled by his lies. Don't be  
25 fooled by -- or even feel sympathy for an individual by

1 the ilk of James Bedford. Because he has lied. He's  
2 stolen from the government time and time again, and I  
3 submit to you he's lied during this trial.

4 There are key missing pieces from this case.  
5 And once again, the government has the burden. And I  
6 request, and the law demands, that you hold them to that  
7 burden.

8 Rely on the legal standards as the judge has  
9 stated them to you, and if you do, there will be no  
10 other result but to find Mr. Conrad not guilty.

11 Thank you.

12 THE COURT: It's about 15 minutes; is that  
13 right?

14 MR. BURKE: Yes, sir.

15 THE COURT: All right.

16 REBUTTAL ARGUMENT BY THE GOVERNMENT

17 MR. BURKE: Ladies and gentlemen, I am not  
18 sure what trial Mr. Simms has been watching, but it  
19 isn't the one that happened in this courtroom.

20 The evidence that the government has  
21 presented to you is overwhelming and leaves no doubt  
22 about the defendant's guilt.

23 You've seen the secret payments. You've  
24 seen the fake invoices. You've seen the timing. You've  
25 heard the recorded interview where the defendant lies.

1 You've seen the memo lines for work that didn't exist.  
2 You've heard about all of the actions that the defendant  
3 took to control the process, to cut other people out;  
4 the fact that he controlled this project from top to  
5 bottom, and that he lined the pockets of James Bedford  
6 and, in exchange, got kickbacks in the forms of bribes,  
7 secret payments and free work done at his house.

8 And so when Mr. Simms stands up and talks to  
9 you about the case, I'm not sure what case he is talking  
10 about, but it is not this one.

11 So, there are many things that Mr. Simms  
12 just said that make utterly no sense, but I will try to  
13 respond to them in turn.

14 First of all, let's consider the argument  
15 that defense counsel has made to you about how there's  
16 no explicit agreement, that there's no express  
17 agreement, that no one ever came out and said the word  
18 "bribe."

19 Ladies and gentlemen, of course they didn't.  
20 What in the world is Mr. Simms expecting?

21 That the FBI, or that the Department of  
22 Commerce's Office of Inspector General is going to find  
23 a signed bribery contract?

24 "Dear Mr. Conrad, I hereby agree that I will  
25 pay you bribes in exchange for you illegally steering me

1 government contracts"?

2 Does he expect it to be notarized?

3 Ladies and gentlemen, if -- if James Bedford  
4 came into this courtroom and brought a document like  
5 that, that would be how you would know he was lying.

6 Who in their right mind would ever talk  
7 about there being an explicit bribery agreement?

8 And so when the defendant -- I'm sorry --  
9 when defense counsel talks to you about how that  
10 evidence is missing, of course it's missing. It would  
11 be shocking if we found it. And if we did present it to  
12 you, ladies and gentlemen, that would be exactly the  
13 type of evidence that you should reject.

14 Because who in the world would actually have  
15 a signed bribery contract?

16 Who in the world would ever come and say it  
17 out loud?

18 The fact that this was all subtext, the fact  
19 that it was all unspoken, is the surest evidence that it  
20 was a bribe agreement, that it was a conspiracy.

21 And, just picture the scene in your mind,  
22 ladies and gentlemen. It's December of 2010. The  
23 Bedford's Images has received this contract for which  
24 they are wholly unqualified. They are performing the  
25 work and it's awful. They are hiring people who have

1 zero -- zero experience.

2 They're profiting hand over fist because  
3 they're using a PDF converter they bought at Office  
4 Depot for \$209, and they're getting paid hundreds of  
5 thousands of dollars under a contract that the defendant  
6 controls, by virtue of his position at the Department of  
7 Commerce.

8 And in December, he shows up, unannounced,  
9 at their offices. He shows up with a fake invoice.

10 By the way, ladies and gentlemen, the  
11 evidence in this case, undisputed, that invoice is fake;  
12 undisputed that the defendant created that invoice, and  
13 that it refers to stuff he never did.

14 And the invoice, ladies and gentlemen,  
15 demands payment of \$55,000.

16 So he shows up with this fake invoice in his  
17 hand. He knows it's fake. He knows he hasn't done any  
18 of the work. They know it's fake. They know he hasn't  
19 done any of the work. They know his company hasn't done  
20 any of the work. He presents it to them, and sure  
21 enough, they pay it.

22 What more evidence of an agreement do you  
23 need?

24 What more evidence of an agreement is  
25 defense counsel referring to?



1                   And, ladies and gentlemen, defense counsel's  
2 arguments on this point are completely schizophrenic.  
3 On the one hand, Mr. Simms blames us because we haven't  
4 presented any evidence of anyone coming out and saying,  
5 "Dear Mr. Conrad, I am going to give you a bribe."

6                   "Dear Mr. Bedford, I agree to your offer of  
7 a bribe, and in exchange I will make sure that you get  
8 government contracts."

9                   And then on the other hand, he says: We  
10 can't possibly have proven the case against his client  
11 because our evidence is just too strong. Our evidence,  
12 the paper trail that we have discovered is just too  
13 powerful. No one would ever be foolish enough to do  
14 that.

15                  Well, no, ladies and gentlemen. A clumsy  
16 bribe scheme is still a bribe scheme. Powerful evidence  
17 of a corrupt agreement is still powerful evidence of a  
18 corrupt agreement.

19                  And the fact that the FBI and the Department  
20 of Commerce's Office of Inspector General found that  
21 evidence is the reason we are here today, ladies and  
22 gentlemen. It's not a reason to acquit.

23                  And, ladies and gentlemen, on this point,  
24 not only does your common sense tell you that, of  
25 course, we do not have to show an explicit agreement,

1 the law does not require that we show an explicit  
2 agreement.

3 Just as you have been instructed by Judge  
4 Lee and as you will have copies of the instructions back  
5 in the jury deliberation room, I'll point out for your  
6 consideration instruction number ten: A conspiracy or  
7 agreement to violate the law, like any other kind of  
8 agreement or understanding, need not be formal, written  
9 or even expressed directly in every detail.

10 Of course not, ladies and gentlemen. What  
11 criminals engaged in an unlawful venture would  
12 explicitly write down what they did?

13 To prove -- again, from instruction number  
14 ten: To prove the existence of the conspiracy or an  
15 illegal agreement, the government is not required to  
16 produce a written contract between the parties or even  
17 produce evidence of an express oral agreement spelling  
18 out all the details of the understanding.

19 Similarly, you'll see similar instructions  
20 regarding the definition of "official act," ladies and  
21 gentlemen and regarding the definition of "bribery."

22 Now, when faced with these fake invoices  
23 that everyone agrees are fake, and that everyone agrees  
24 the defendant presented to Team America and for which he  
25 got paid, the defense has offered you this theory that

1 is both absurd on its face, contrary to common sense,  
2 and totally unsupported by the evidence.

3 And that's the theory that these fake  
4 invoices are somehow related to this supposed loan  
5 agreement.

6 Just consider that for a second, ladies and  
7 gentlemen. Consider the testimony and the evidence  
8 you've heard about this supposed loan agreement.

9 Right before the contract is corruptly  
10 awarded to -- to James Bedford's company, the defendant  
11 shows up, and they have this garbled discussion -- he  
12 shows up, again unannounced -- garbled discussion about  
13 a loan or investment. And he leaves, and there's never  
14 again another discussion about this loan or investment,  
15 where he is requesting nearly \$200,000; never once  
16 another word spoken about it.

17 Now, what legitimate loan agreement or  
18 actual investment would ever occur that way, one  
19 conversation and then silence for eternity about that  
20 agreement?

21 And then, a few months later, he shows up  
22 with invoices. These invoices don't say anything about,  
23 "I will be indebted to your company," or, "You will be  
24 investing in my chicken restaurant," or, "Here is the  
25 repayment schedule."

1                   These invoices demand payment. That's what  
2 an invoice is. It's a bill. I deliver a bill. You pay  
3 me.

4                   So how in the world does this have anything  
5 to do with a legitimate loan?

6                   The theory that defense counsel has put  
7 forward is absurd, ladies and gentlemen, and it need not  
8 detain you for any more than an instance before you  
9 realize that it's ridiculous.

10                  Defense counsel has talked about how the  
11 government haven't proven its case, because, well,  
12 Mr. Conrad really wasn't the one who controlled any of  
13 this stuff, that he couldn't make the final decisions.

14                  Ladies and gentlemen, that is -- that is  
15 incorrect as a matter of fact, and also as a matter of  
16 law.

17                  It may be the case that in some formal,  
18 abstract sense, that -- that the defendant should --  
19 shouldn't have been able to control this process. It  
20 may be that other people should have acted as more of a  
21 check or a balance against the defendant's corrupt  
22 actions.

23                  But what the evidence in this case showed  
24 overwhelmingly is that, in fact, he did control the  
25 process. He was the one that directed Robert Moffett,

1 his subordinate, as to what to do. He was the one who  
2 had that conversation with Kim Bryant of SPAWAR.

3 And you heard his testimony, ladies and  
4 gentlemen. Kim Bryant said the defendant was emphatic.

5 "Why did you make sure that Bedford's Images  
6 was hired?"

7 "Because the defendant told me to."

8 You heard the testimony of Henry Hodor. He  
9 hired them because that was the deal. He was told to do  
10 so.

11 The defendant set in course a chain of  
12 events to make sure that Bedford's Images was hired.  
13 And again, it wasn't just the initial hiring, ladies and  
14 gentlemen. He continued to feed them work after he knew  
15 full well that -- that the work was terrible and that  
16 they weren't qualified, that it was a complete disaster.

17 He is the one that went to Patricia  
18 Woodberry in September of 2011, after he had received  
19 all the free checks and free work at his house, and  
20 sought yet more funding.

21 He's the one that said, "I'm going to go and  
22 get the signatures." He's the one that went to BIS's  
23 chief financial officer to get that additional money  
24 funded.

25 And again, the fact that other people were

1 involved, not a defense. The fact that somebody else  
2 may have, in some formal sense, been the last guy to  
3 sign off on it, not an offense, ladies and gentlemen, as  
4 you'll see from the jury instructions.

5 The definition of "official act,"  
6 instruction number 24. A decision on an -- or action on  
7 a qualifying step, for a question, matter, cause, suit,  
8 proceeding or controversy, would qualify as an official  
9 act.

10 An official act also includes a public  
11 official exerting pressure on another official to  
12 perform an official act, or providing advice to another  
13 official, knowing or intending that such advice will  
14 form the basis for an official act by another official.

15 That is exactly what he did here.

16 You'll also be instructed in instruction  
17 number 31: It is not necessary for the government to  
18 prove that the defendant personally did every act  
19 constituting the offense charged. If the acts or  
20 conduct of another is deliberately ordered or directed  
21 by the defendant or deliberately authorized or consented  
22 to by the defendant, then the law holds the defendant  
23 responsible for such acts or conduct just the same as if  
24 personally done by him.

25 You cannot escape criminal liability by

1 having somebody else do your dirty work.

2 The theories that the defense has put before  
3 you are not defenses. The description of the facts that  
4 Mr. Simms has put before you is simply not consistent  
5 with the evidence that you've seen in this case.

6 And, finally, ladies and gentlemen, defense  
7 counsel suggested that there has not been evidence of an  
8 official act.

9 That's just ridiculous. The defendant was  
10 the one who told Rob Moffett that he wanted Bedford's  
11 Images hired. The defendant is the one who was emphatic  
12 and directed Kim Bryant to hire Bedford's Images.

13 The defendant admitted to Special Agent  
14 Luebke that the defendant negotiated the price with  
15 Bedford's Images for the data migration project.

16 The defendant took the files to James  
17 Bedford. And every time he delivers files to James  
18 Bedford, he is putting money in James Bedford's pocket,  
19 because every batch of files is another batch of files  
20 that James Bedford can bill the government for, for  
21 obscene rates.

22 He is the one that continued to pick up the  
23 files and saw just how terrible the work was. He is the  
24 one that went to Patricia Woodberry and sought yet more  
25 funding.

1           Ladies and gentlemen, the evidence that the  
2 defendant took official acts in the course of his job in  
3 the Department of Commerce is abundantly clear.

4           So, as we said in opening, as Mr. Walker  
5 said to you in his closing statement, as the evidence  
6 has shown, ladies and gentlemen, the evidence  
7 overwhelmingly proves the defendant guilty of both of  
8 the counts charged in the indictment.

9           And we ask that you now finally hold the  
10 defendant accountable for the crimes that he committed,  
11 and that you return the only verdict consistent with the  
12 evidence in this case, a verdict of guilty on both  
13 counts.

14           THE COURT: Mr. John Brown and Mr. Patrick  
15 Steffen, we selected you as jurors, as alternate jurors  
16 in the case, during the course of the trial.

17           You are Mr. Brown. This is your jury  
18 certificate. And I want to excuse you with the thanks  
19 of the Court. If you have things in the jury  
20 deliberation room, you can go and get them.

21           Mr. Steffen.

22           THE JUROR: Yes, sir.

23           THE COURT: Thank you both for your service,  
24 and we appreciate your time.

25           Leave your notes. Mr. Hendrick will take



1 care of them, make sure they are destroyed. Again,  
2 thank you for your participation.

3 Go to the Clerk's Office and tell them  
4 you've been relieved as an alternate.

5 Thank you very much.

6 THE JUROR: Thank you, Your Honor.

7 THE JUROR: Thank you, Your Honor.

8 (Alternate jurors excused.)

9 (Pause.)

10 THE COURT: Are the alternates gone from the  
11 jury room now?

12 MR. HENDRICK: Yes, sir.

13 THE COURT: All right.

14 Ladies and gentlemen, you've heard all the  
15 evidence in the case, the instructions of the Court, and  
16 now you've heard the arguments of counsel.

17 It is your duty to deliberate and arrive at  
18 a unanimous verdict.

19 I suggest your first order of business ought  
20 to be the election of a foreperson. And then you should  
21 break for lunch, because we're going to break for lunch  
22 now from 1:00 to 2:05.

23 Again, during the luncheon recess, don't  
24 discuss the case. Don't permit the case to be discussed  
25 in your presence. Don't do any research on the case.

1 And leave your notes in the jury deliberation room.

2 When you return to begin your deliberations,  
3 make sure that all of the jurors are present.

4 If someone wants to step out to use the  
5 facilities during the deliberations, stop until that  
6 person comes back, to make sure each person has a chance  
7 to deliberate.

8 And again, as I said to you at the beginning  
9 of trial, the fact that something is in somebody's notes  
10 does not mean they are entitled to greater consideration  
11 than someone who did not take notes.

12 So we ask you to retire now, return a  
13 unanimous verdict.

14 And after you pick your foreperson and go to  
15 lunch, when you come back, all the exhibits and the  
16 jury instructions and your notebooks will be available  
17 to you in your jury room.

18 We ask you to return and return a unanimous  
19 verdict. Thank you.

20 (Jury out for lunch and deliberation.)

21 THE COURT: All right, Counsel, what I want  
22 you to do is to meet with the clerk and make sure all  
23 the exhibits that have been admitted into evidence are  
24 what's going back.

25 In other words, if there's anything that was

1 excluded that should not be in evidence, it should not  
2 go back. You should review every single exhibit to make  
3 sure that what goes back is what we've all agreed is  
4 evidence.

5 And I want you each to sign a certification  
6 that you reviewed the exhibits to make sure that it's  
7 right.

8 Some of you have been around long enough to  
9 know that I had a case where I excluded evidence and it  
10 went back to the jury and we had to start all over in a  
11 multi-day trial. So I'm not going to do that.

12 So you have a requirement, as officers of  
13 the Court, to review each document to make sure what  
14 goes back is the evidence in the case.

15 If you have any problems with what evidence  
16 has admitted or not admitted, let the clerk know, and  
17 I'll come back on the bench if necessary.

18 We're now in recess until the jury returns a  
19 verdict.

20 Thank you.

21 (Court recessed at 1:09 p.m. and reconvened  
22 4:46 p.m.)

23 THE COURT: You can bring our jury out,  
24 Mr. Hendrick.

25 MR. HENDRICK: Yes, sir.

1 (Jury present.)

2 THE COURT: You may be seated.

3 JURY VERDICT

4 THE COURT: Mr. Foreperson or  
5 Ms. Foreperson, have you all reached a verdict?

6 THE FOREPERSON: We have, Your Honor.

7 THE COURT: If you would hand it to the  
8 court security officer.

9 Thank you.

10 (Document tendered.)

11 THE COURT: All right.

12 Here you go.

13 THE CLERK: Will the defendant, Raushi  
14 Conrad, please stand and face the jury.

15 "Criminal Case Number 1:16-cr-169, United  
16 States of America versus Raushi J. Conrad.

17 "Count I. With respect to Count I,  
18 conspiracy to pay and receive bribes, we, the jury, find  
19 the defendant, Raushi J. Conrad, guilty.

20 "Count II. With respect to Count II,  
21 acceptance of bribes by a public official, we, the jury,  
22 find the defendant, Raushi J. Conrad, guilty."

23 Signed by the foreperson.

24 THE COURT: And dated with today's date?

25 THE CLERK: Today's date, June 15th. Sorry.

1 THE COURT: All right.

2 Any objection to the form of the verdict?

3 MR. SIMMS: No, Your Honor.

4 THE COURT: Is there a request to poll the  
5 jury?

6 MR. SIMMS: No, Your Honor.

7 THE COURT: All right.

8 Ladies and gentlemen, the Court and the  
9 parties appreciate all the time and effort that you've  
10 devoted to the case.

11 Give me just a few minutes to speak to  
12 counsel, and I'll come back and I will dismiss you for  
13 the day.

14 Thank you very much.

15 (Jury excused at 4:49 p.m.)

16 FURTHER PROCEEDINGS

17 THE COURT: Let's select a date for  
18 sentencing.

19 How about September 8th, which is a Friday?

20 MR. SIMMS: That's fine.

21 THE COURT: All right. We'll set the matter  
22 for sentencing on Friday, September 8th, at  
23 9:00 o'clock.

24 Bond will be continued.

25 You all are excused. Thank you.

1                   We're in recess.  
2                   (Proceedings concluded at 4:51 p.m.)

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1  
2 CERTIFICATE OF REPORTER  
3

4 I, Renecia Wilson, an official court  
5 reporter for the United States District Court of  
6 Virginia, Alexandria Division, do hereby certify that I  
7 reported by machine shorthand, in my official capacity,  
8 the proceedings had upon the jury trial in the case of  
9 UNITED STATES OF AMERICA v. RAUSHI J. CONRAD.

10 I further certify that I was authorized and  
11 did report by stenotype the proceedings in said jury  
12 trial, and that the foregoing pages, numbered 1 to 111,  
13 inclusive, constitute the official transcript of said  
14 proceedings as taken from my shorthand notes.

15  
16 IN WITNESS WHEREOF, I have hereto  
17 subscribed my name this 12th day of January, 2018.

18  
19 /s/

20 \_\_\_\_\_  
Renecia Wilson, RMR, CRR  
Official Court Reporter  
21  
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23  
24  
25